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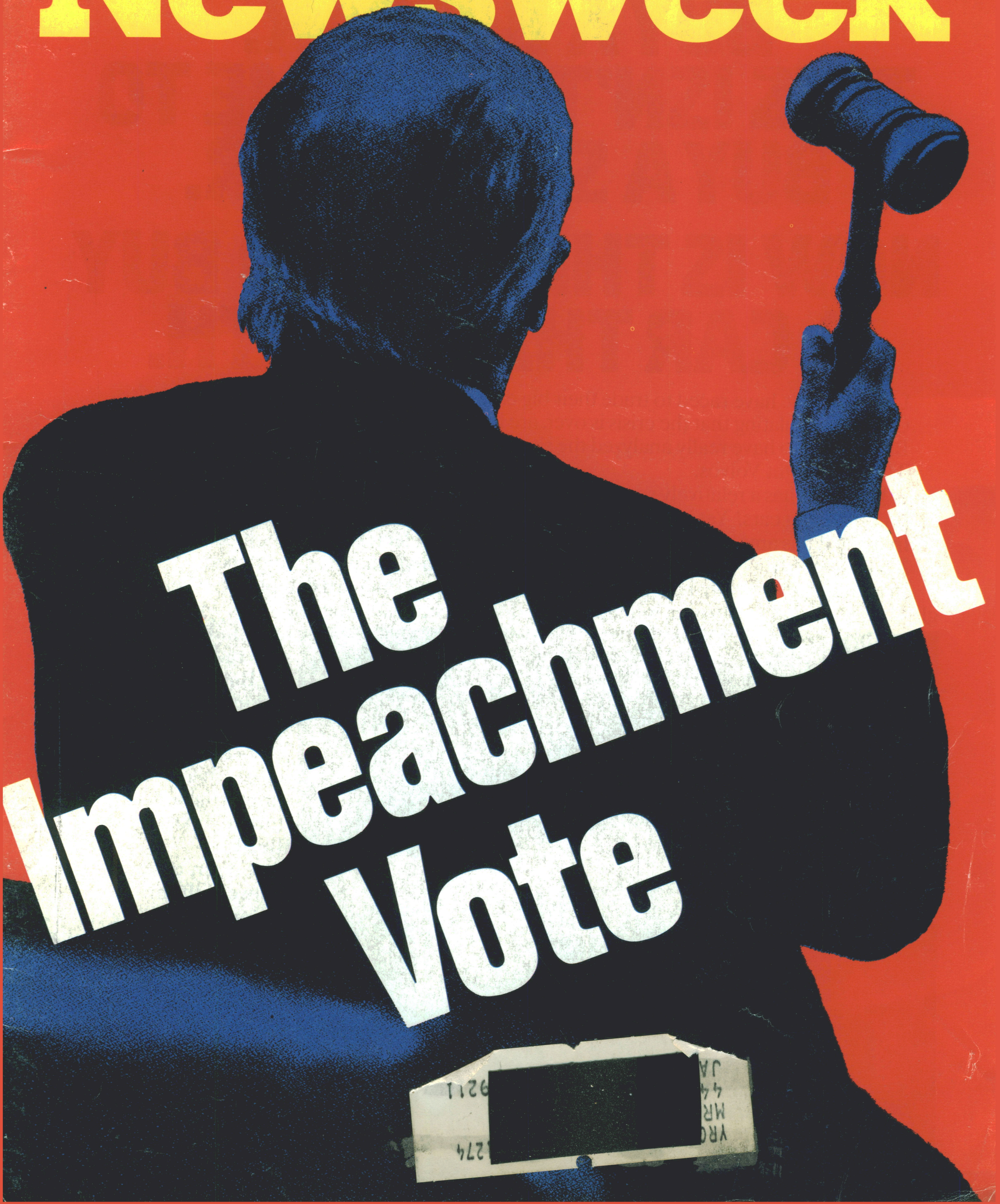

THIS ISN'T THE TIME TO BUY A BIG CAR. THIS ISN'T THE TIME TO BUY A SMALL CAR.

NOW IS THE TIME TO BUY A CAR THAT'S BOTH.

Lots of people have raced to trade their big cars in for small ones due to the energy crisis.

Others, speculating that the crisis is over, are buying big ones.

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So why choose between the disadvantages of a big car and the disadvantages of a small one?

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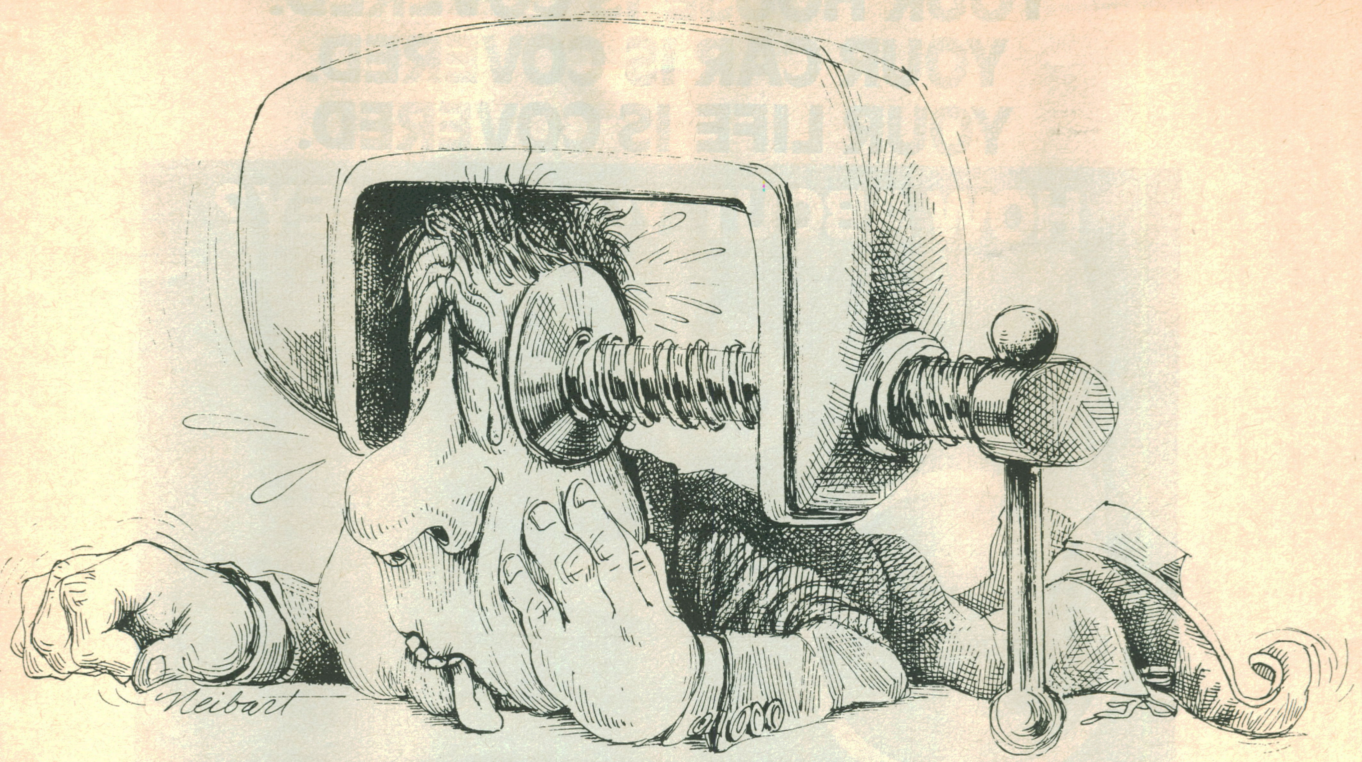
*Based on Environmental Protection Agency's Federal certification test results for '74 model year.



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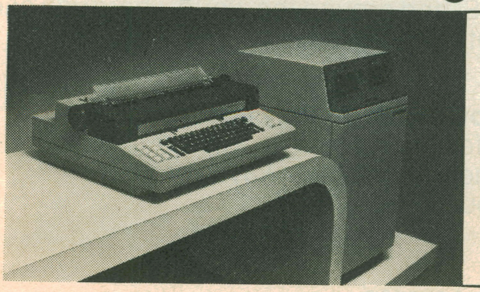

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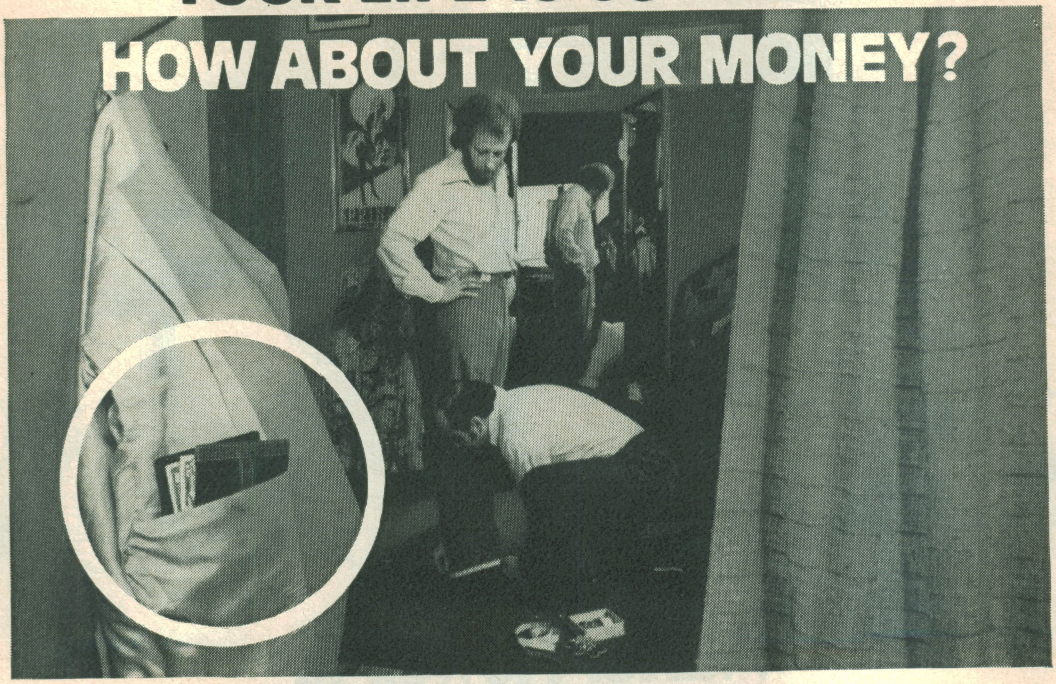

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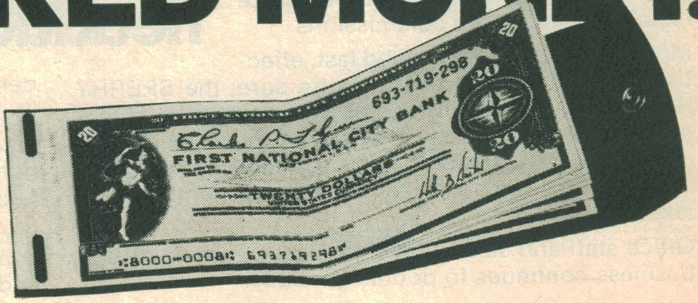

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Top of the Week

Newsweek

Hubbard with Chairman Rodino

The Impeachment Vote Page 18

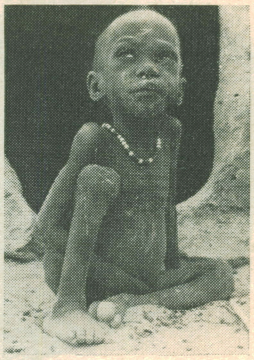
The great debate on impeachment was finally joined. Peter Rodino's Judiciary Committee mustered a solid 27-to-11 majority in its first critical vote against Richard Nixon. The Supreme Court ruled 8 to 0 that the President must yield 64 more Watergate tapes. Washington reporters Henry W. Hubbard, Anthony Marro, Nicholas Horrock and Evert Clark covered the committee's debate, while Hal Bruno, Samuel Shaffer and Henry L. Trewhitt tested political reaction. Files on the tapes decision came from Stephan Lesher at the High Court and Thomas M. DeFrank at the Western White House. In New York, Peter Goldman analyzed the impeachment tide. Supplementary stories were written by David M. Alpern, Sandra Salmans, Arthur Zich Jr. and James R. Gaines. (Cover photo by Wally McNamee—Newsweek; mezzotint by Martin J. Weber.)

Freedom Now! Page 40

Out of the tragedy of Cyprus came some hopeful signs—a new President on the island and civilian rule in Greece. Jay Axelbank, John Barnes, Barry Came, Malcolm MacPherson, Peter Mellas and Nicholas C. Proffitt filed for the stories—written by Milton R. Benjamin, Raymond Carroll and Richard Steele.

A 'No' on Busing Page 38

In a major decision defining the limits to school-desegregation plans, the Supreme Court last week rejected, by a vote of 5 to 4, a Detroit plan that would have required schoolchildren to be bused between the inner-city ghetto and the white suburbs. With files from Diane Camper in Washington, Merrill Sheils reports.



Devastation Page 58

One of the great droughts of the twentieth century is devastating Africa. Newsweek's Andrew Jaffe traveled thousands of miles through the stricken areas and reports on how official miscalculations have compounded the tragedy.

How Many Lean Years? Page 50

Inflation is making the dollar look like play money. And last week the President warned that to contain the spiral the nation may have to endure years of slow growth—which means higher unemployment. Michael Ruby reports.

Oral History Page 74

The tape recorder has spawned a new school of history. To its partisans, oral history is breaking down elitism; to its detractors, it is clogging scholarship with endless trivia. With files from Phyllis Malamud, Kenneth Woodward reports.

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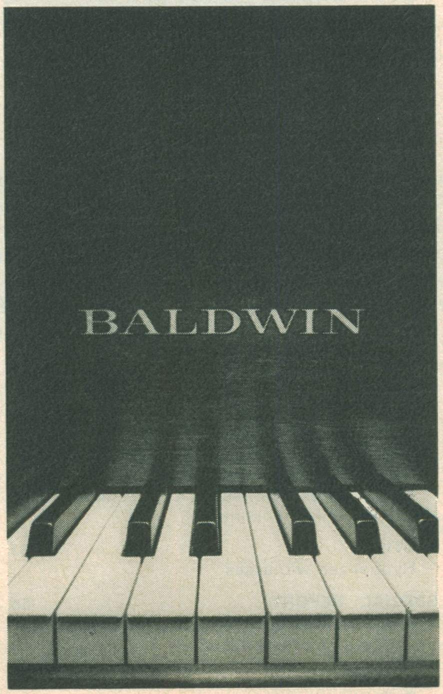

Eugene Ormandy's Accompanist

The Committee's Evidence

The totality of evidence against Nixon (THE EVIDENCE, July 22) is truly amazing. There can be little doubt that he has evaded taxes, suborned perjury, misused government funds, obstructed justice and thoroughly disgraced the Presidency. What remains to be seen is no longer Nixon's guilt, but whether or not our congressmen have sufficient backbone and morality to impeach. If not, we can rest assured that Nixon is not the only "unindicted co-conspirator" in Washington.

THOMAS E. HILTON

Brooklyn, N.Y.

■ I find that the July 22 issue of NEWSWEEK contains considerably more about Watergate than I care to know. My wife and I will try to await with patience the day when NEWSWEEK returns to covering the whole nation and international news—which is what we subscribed to your magazine for in the first place.

LEE B. BROWNFIELD

Kettering, Ohio

Polaroid's Position

The story about Polaroid in the July 29 issue is in our view an inaccurate report on the SX-70 system's progress.

You report that many SX-70 camera owners complain that it is difficult to operate. Our experience is to the contrary. There may be some who experience difficulty, but we believe most owners find it the simplest Polaroid camera in history to operate. All they have to do is frame, focus and push one button.

The dealer quoted in your story is certainly not typical. Far from experiencing "little demand," most photographic dealers have found SX-70 the best selling camera in their history on a dollar basis. In the past three months, it has sold as much as all the other over-$100 cameras put together.

Finally, your story states that sales of Polaroid cameras and film other than the SX-70 system have declined 80 per cent so far this year. This is just not true. Even in the face of the glamour and retail excitement of SX-70, these sales are running about 80 per cent of last year's level, which, I believe you will agree, is a very different situation.

THOMAS H. WYMAN
Senior Vice President and
General Manager
Polaroid Corp.

Cambridge, Mass.

Gilded Cages

Thanks to NEWSWEEK and your article "Inside the Watergate Prisons" (NATIONAL AFFAIRS, July 15), another double standard of American justice has been

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America's quality cigarette introduces

THE KENT GALLERY

The Classic English Picnic Hamper. Handwoven wicker case elegantly fitted with four place settings of English china, stainless steel flatware, two vacuum bottles and serving/storage containers. $99.00.

As a Kent smoker, you obviously have a taste for quality.

Now, your favorite cigarette gives you the opportunity to express that taste through an international showcase of items selected for their workmanship, beauty, value.

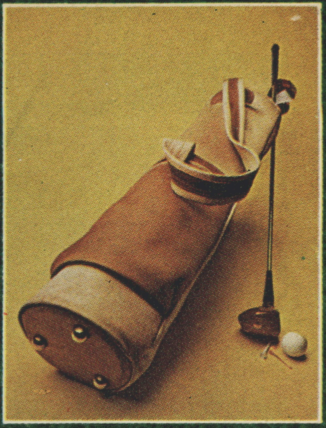
This, our first collection, is devoted to one of your favorite pastimes:

THE GREAT WEEKEND

Here are some very special ways to get away from it all. A collection we've assembled just for the fun of it—and for you to order for yourself, your friends and your family.

Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health.

The World's Smallest 35mm. The Swiss-made Tessina 35. Only 5½ ounces yet uses standard 35mm film. Lens stops from F/2.8 to F/22; shutter speeds from 1/2 to 1/500th second. Built in light-meter. Comes complete with leather case, tripod plate, neck chain. In gold or black. $302.50. (Additional accessories available at extra cost.)



The Kent Sunday Bag. Heavy duty, water repellent duck with handsome full grain leather trim and shoulder strap. Deep zippered leather pocket. A Kent Gallery exclusive. $22.50. (Note: clubs, tees and ball not included.)

The 24-Carat Freshwater Reel. Garcia's gold-plated Ambassadeur. Stainless-steel ball bearings, two sets of brakes for near perfect backlash control. Teak case fitted with spare spool, reel tool, oil and spare parts. $75.00. (Specify name to be engraved on case—16 letter maximum.)

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Mildew growth simulated.

A bargain is about to become a Sherwin-Williams.

Nobody wanted to buy the old Anderson place because of the mildew problem on the outside of the house.

Except Tom and Kathy Paul.

Mildew looks like dirt, but it's not. And it's a problem up North, down South, out West and in the East.

So Tom's going to use A-100™ Flat Latex House Paint on the siding, Gloss Latex House and Trim Paint on the windows and Solid Color Exterior Stain on the doors.

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pointed out. With golf-course greens fees being what they are, and with severe penalties out here for nude sunbathing, perhaps one would be better off being a burglar on the Federal level and having himself or herself shipped off to some minimum-security Federal prison.

ROD ALAN BARKEN
Dania, Fla.

■ Is it fair to lavish such favored treatment on our criminals (though they be only "white-collar" criminals) and be satisfied to allow our war veterans, for example, to languish in institutions and surroundings one might normally expect criminals, not honorable and law-abiding citizens, to have to tolerate?

JAMES W. BARKSDALE
Lansing, Kans.

Affirmative-Action Report

My heart bleeds for all those schools that are "forced to hire [women and black] faculty who are simply not up to their standards" from a pool that is "inadequate to meet their needs" (EDUCATION, July 15).

I am a woman with a Ph.D. in social psychology from a very good school (University of Illinois), good letters of recommendation from respected graduate instructors, two publications, research in progress, five years' teaching experience, two children, a husband who has just completed his military service (so we could have moved anywhere this year) and paid-up membership in the APA.

Since January I have applied to 40 schools, all of which had advertised openings at the assistant-professor level, for which I am fully "qualified." Thirty-four of the 40 gave no evidence of interest in my qualifications; seven never responded at all, even to indicate they had received my letter of application and *vita*. Of the six schools that requested letters of recommendation from my professional references, three did not even bother to write me that they had filled their positions until *I* contacted *them* weeks later, and one has still not responded. This leads me to conclude that (a) these schools are not looking for women, or (b) they do not know a woman when they hear from one, or (c) there are many qualified women Ph.D.'s in psychology applying for jobs this year.

I have attributed my lack of offers to the tight job market and large number of male and female applicants. I have no evidence of discrimination *against* me because I am a woman. However, the data I have accumulated this year give no evidence that anyone has discriminated *in my favor* because of my sex either. Next year I plan to send out my qualifications under my husband's name and see what happens . . .

ROSEMARY H. LOWE, Ph.D.
Fayetteville, N.C.

Learning at Gurukula

Thank you very much for your article on "Lord Krishna's Children" (RELIGION, July 8). It was generally very accurate and for the most part much more objective reporting than has been done on Gurukula in the past. Just two points: first, three of our teachers have masters' degrees, three have teaching credentials in other states and two have college degrees; second, everyone is indoctrinated in one way or another. We are simply indoctrinating our children in the principles of purity and godly life—which is not harmful, to say the least. It is what America needs.

DAYANANDA DAS
Headmaster
Isavasya Gurukula
Dallas, Texas

PVC Problem

In the photographs accompanying your article "Plastics: The PVC Scare" (BUSINESS AND FINANCE, June 10), the item representing containers, labeled "liquid soap," is a finished product of the Plascon Corp. of Buffalo, N.Y. We do produce high-density polyethylene containers like this for the food industry as well as for the automotive, chemical and detergent industries, but we have never processed polyvinyl chloride in our plant. We do not even have the equipment to do so.

JOHN S. TERHAAR
Vice President Sales
Plascon Corp.
Buffalo, N.Y.

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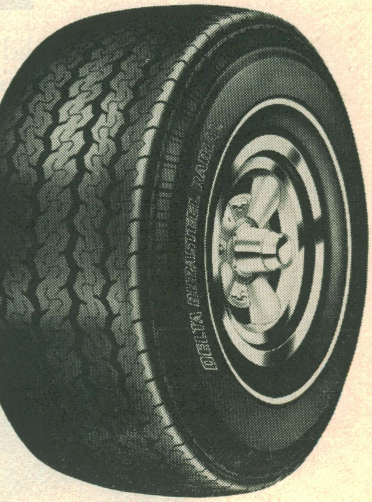

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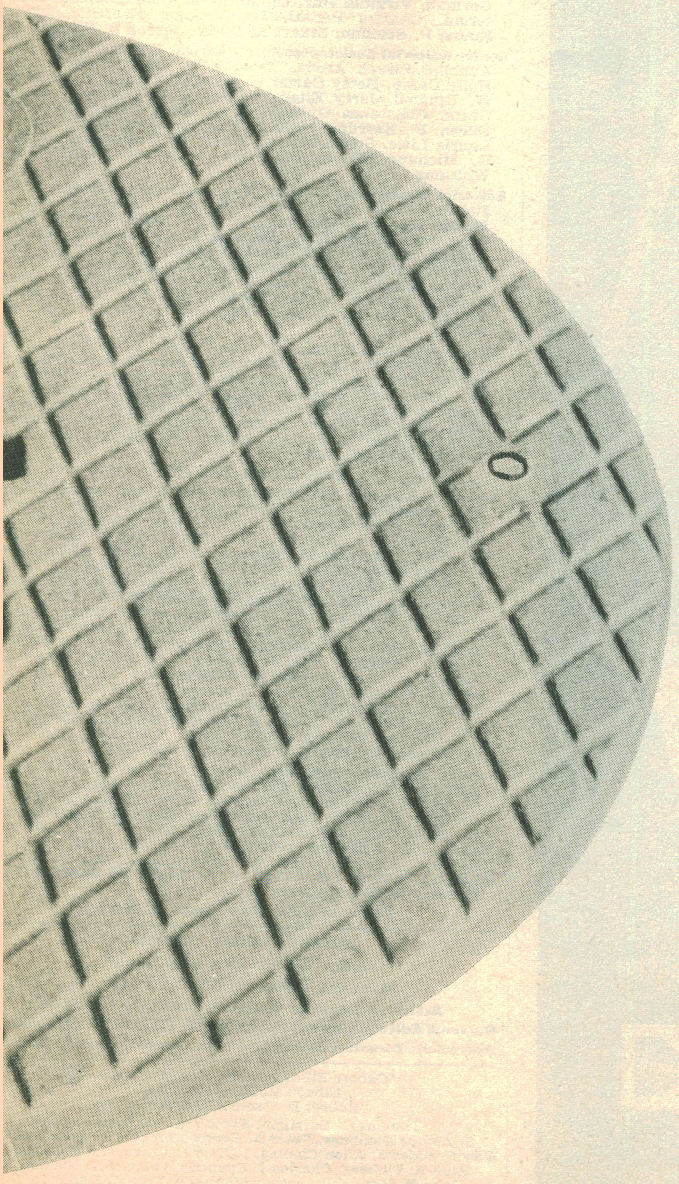

You've probably never given a second glance to a water meter box lid. And if the one shown here on the left doesn't strike you as being very unusual, consider this.

It's made of Reinforced Plastic Mortar (RPM). (The old type is made of cast iron or concrete.) It's lightweight, but durable. It's easier to handle and install than the old type lid.

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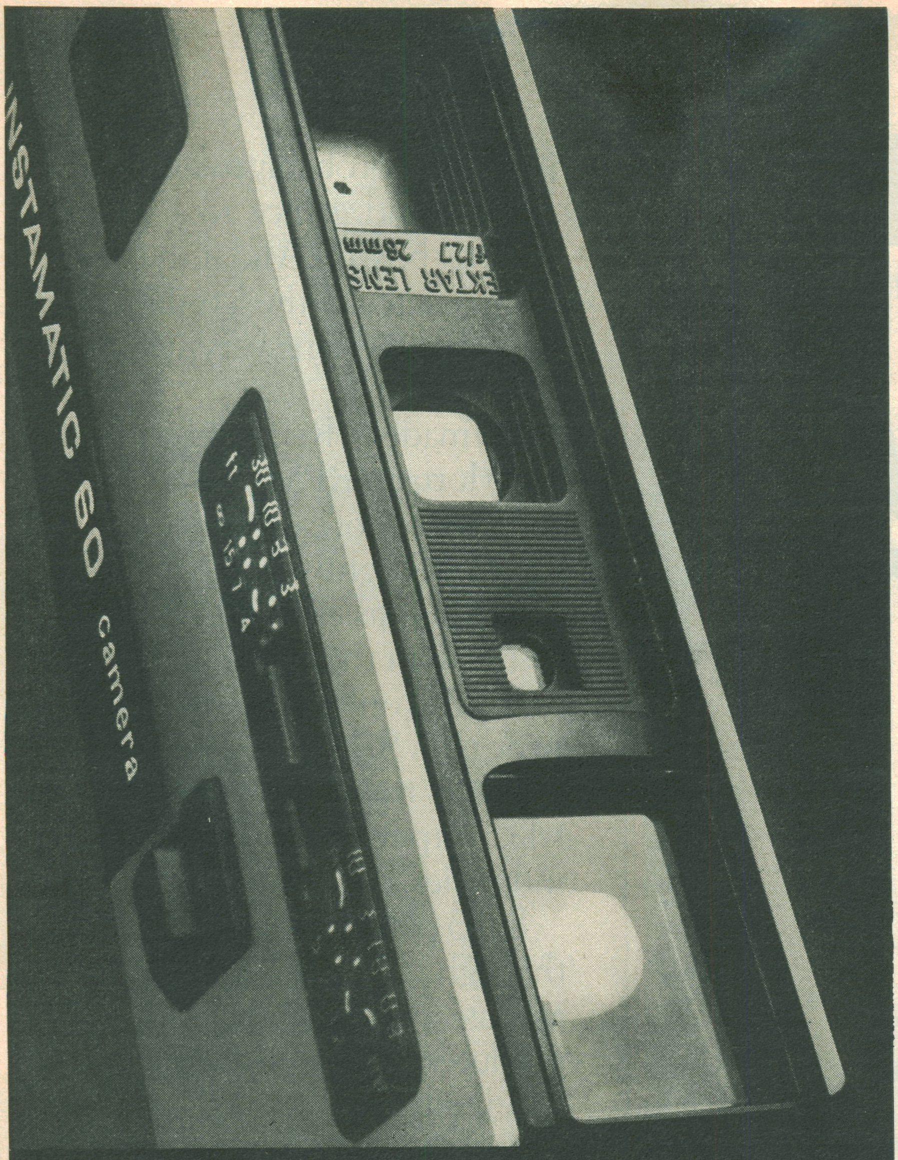

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Kodak

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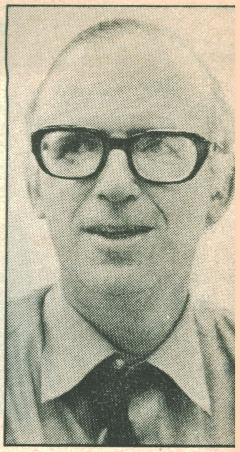

The Other News

At a time in our history when the American people desperately need to see some evidence that government is not an inveterate bungler and that all politicians are not crooks, the American press is riveted in its attention on the one city where reassurance is least likely to be found.

To say that inspiration is in short supply in Washington, D.C., is a slight understatement. The executive and legislative branches are in a close race to see which can reach the absolute zero level of public credibility and confidence first —and, from the look of things, they may finish in a dead heat.

But spectacular as this failure has been at the national level, it is not the whole story of government and politics in this country. And I wonder if my brethren and I—"the boys on the bus" who write of national politics—are not guilty of perpetuating a one-way communication system, making the leadership crisis in America appear even worse than it is.

Even when we get out of Washington for a look around, we carry our Washington parochialism with us. "Every damn reporter who's been out here from Washington," a California gubernatorial candidate complained, "has just assumed that Watergate would decide our election. They seem amazed to learn that we have issues of our own."

We are proficient at asking whether some Washington scenario "will play in Peoria," as John Ehrlichman used to say, but we rarely bother to find out if Peoria has something that might "play" to the nation. It does. Mayor Richard Carver has had considerable success in combating the blight characteristic of so many middle-aged cities, but it's doubtful how many members of Congress or housing-program bureaucrats are aware of it.

KINK IN THE CIRCUITS

That success might be of interest to other city executives, to the bureaucrats at the Department of Housing and Urban Development and to legislators wrestling with the community-development bill. But it was only because Haynes Johnson of The Washington Post happened to go to Peoria on another story—a Watergate reaction story—that they got to read about it.

The fact is that there's a kink in the journalistic circuits that makes it very hard—if not impossible—for any citizen to get the idea that anyone in government can ever do anything right. Like the British guns at Singapore, the attention of political reporters is aimed in the wrong direction. We are poised to publicize any act of statesmanship that occurs on the fashionable beats in Washington—the White House, the State Department or the Senate. Unhappily, notable achievers are few and far between.

Work anywhere else in the American government—especially in state or local government—and about the only way you can get national publicity is to be indicted. As a result, much that could serve to restore the confidence of the American people in the capacity and credibility of their political leaders simply never gets reported.

Those of us who cover national politics for the networks, the news services and the major papers would deny that we are merchants of gloom and doom. But we don't consider it an important part of our job to let you know that San Diego has developed a model conflict-of-interest and campaign-reform ordinance, or that the Minneapolis-St. Paul metropolitan council is steadily proving the feasibility of regional government, or that cities from Pawtucket to Glendale have found ways to make schools true centers of community life for people of all ages, or that four states have grown tired of waiting for Congress and the Administration to resolve their differences and have provided insurance against catastrophic illness for all their citizens themselves.

'INNOVATION IN GOVERNMENT'

I don't know how many successful experiments in local government are being conducted in America, or how genuine some of the claimed successes may be.

But I was struck by the contrast between the picture we have given our readers of state government as a backwater of corruption and inefficiency and the picture that emerged from a volume of essays the governors issued at their annual conference in June.

Discount the rhetoric 50 per cent and throw out the submissions of the handful of rich, progressive states that have always been ahead of the pack. It is still plain that when the governors talk about "innovations in government," they have some claim to be taken seriously.

Arizona, for example, is about the last place I would have looked for a "breakthrough in . . . the planning function . . . that will give the policymakers useful information about the trade-offs between economic growth and environmental impacts, which can be weighted against political and social realities in a rational decision-making process."

But that is what ATOM (the Arizona trade-off model) is all about. The state has been subdivided into 6- by 10-mile grids, and every proposed development is evaluated by sophisticated computers, with "economic trade-offs measured in terms of changes in employment levels from a set of baseline projections representing a continuation of current politics . . . and environmental trade-offs measured by changes in a composite index . . . representing values and weights assigned to 66 variables ranging from chemical pollutants to esthetic, human interest and ecological values."

TELLING THE VOTERS

If that sounds surprising from Arizona, it is no more so than Missouri trying to identify and aid every handicapped child; or Oklahoma experimenting in prison-population education; or South Carolina working in hortitherapy—gardening as a treatment for the mentally retarded, alcoholics and criminal offenders; or a dozen other innovative state experiments noted in the governors' reports.

That such work is going on in the states is worth telling the American voters, because it is every bit as much a part of the reality of American politics as the spectacular failures of those in office in Washington.

It might be that if this story were told, it would occur to the voters that they need not limit their search for Presidential leadership to men who are serving in, or presiding over, the United States Senate. There's nothing inherent in the work of the Senate that qualifies a member for the Presidency, and much that may inhibit him. Yet the accessibility of senators to television cameras and the fixation of the press on that chamber has helped keep any state or local government official from being nominated by a major party for President since 1952.

I am convinced that nothing is more important for America's future than for its citizens to feel, when the 1976 election is over, that they have sent a President to Washington, rather than having Washington pick out another President to rule over them.

But unless we of the press open our eyes to the leadership being exerted in local and state government today, we may blind voters to that opportunity.

Broder is a political reporter and columnist on The Washington Post.

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POTEMKIN MISSILES

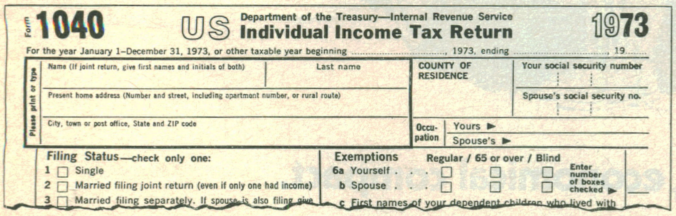
Much of Russia's recent construction of apparent missile sites, U.S. analysts say, actually was to create massive "Potemkin villages" of dummy installations to confuse low-level bomber pilots. (Marshal Potemkin was an eighteenth-century Russian official who built miles of false-front towns to make Catherine the Great think he was erecting housing.) More than 800 dummy surface-to-air sites have been spotted, complete with fake launchers, missiles, radar, revetments and even "vehicles." Their purpose is to fool low-flying bombers into taking evasive action. At 500 mph, the dummies can't be distinguished from the real thing.

WHO WILL MAKE THE OIL DEALS?

The giant U.S. oil companies that have always controlled dealings with Arab and other oil-producing governments may find Washington moving to put these jealously guarded relationships on a government-to-government basis. John Sawhill, head of the Federal Energy Administration, has started to examine how the oilmen and the producing countries arrange the deals that control the flow of the world's oil, and at least one U.S. oil board chairman has asked him to drop the idea. The oilmen fear that Washington might make deals that would lessen their importance—and their profits.

THE FORM 1040 GOES PUBLIC

Thanks to the computer and the copying machine, Form 1040 is no longer a private matter between the taxpayer and the Internal Revenue Service. A growing number of states—and even counties—now have agreements with


Form 1040 US Department of the Treasury—Internal Revenue Service Individual Income Tax Return 1973

For the year January 1–December 31, 1973, or other taxable year beginning ...., 1973, ending ...., 19.....

Please print or type

Name (If joint return, give first names and initials of both) | Last name | COUNTY OF RESIDENCE | Your social security number

Present home address (Number and street, including apartment number, or rural route) | Spouse's social security no.

City, town or post office, State and ZIP code | Occupation Yours ▶ Spouse's ▶

Filing Status—check only one:
1 ☐ Single
2 ☐ Married filing joint return (even if only one had income)
3 ☐ Married filing separately. If spouse is also filing give

Exemptions Regular / 65 or over / Blind
6a Yourself . . . ☐ ☐ ☐
b Spouse . . . ☐ ☐ ☐ Enter number of boxes checked ▶
c First names of your dependent children who lived with

the IRS that give them access to Federal returns. States blessed with computer systems simply match tapes; others can obtain copies at the ten IRS service centers around the country. The system is anything but abuse-proof; even now, IRS investigators are looking into cases where local officials have peddled the 1040s (or data from them) to insurance companies, private detectives, credit services and the like.

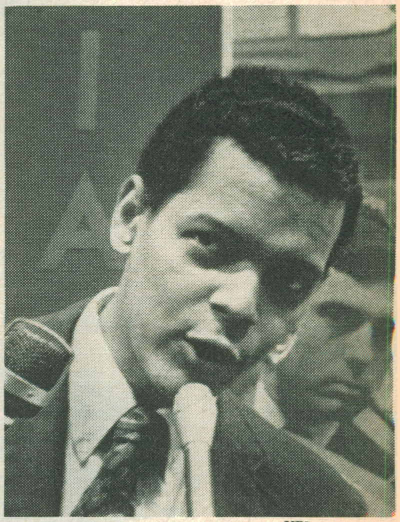
RUSK ON KISSINGER

Testifying before the Senate's closed-door probe into Secretary of State Henry Kissinger's role in wiretapping aides and newspapermen, former Secretary Dean Rusk scouted the idea that Kissinger or anyone other than the President himself could have given such orders to the late FBI chief, J. Edgar Hoover. Kissinger telling Hoover to investigate anyone, Rusk said, "would be like telling General de Gaulle how to run France."

MADE IN CHINA

Chinese engineers at the aircraft-and-missile center in Shenyang, 400 miles northeast of Peking, are working on the country's first 1,500-mph warplane. (Most Chinese planes to date have been copies of Russian and other designs.) The new delta-wing Mach 2.5 aircraft is scheduled for production by 1976 or 1977.

JULIAN BOND MOVES


UPI

Julian Bond, the 34-year-old black politician who has won four terms in Georgia's lower house, has his eye on the 1976 national ticket. This year, he is campaigning to move up to the Georgia State Senate (his primary opponent is given little chance). His aides say he plans to enter Democratic Presidential primaries across the U.S. in 1976 with an eye to collecting enough delegates to give him bargaining strength at the nominating convention. Bond's name was placed in nomination for Vice President at the 1968 Democratic convention (right), but he withdrew, pointing out that he was too young to qualify.

FLYING FIRST-AID

Egypt's 2-million-bale cotton crop which includes one-half of the world's production of the long-staple cotton used in expensive high-grade fabrics—faces devastation from a bollworm infestation of Biblical proportions. Officials hope to save it by airlifting more than 400 tons of insecticide from the U.S.

THE KREMLIN'S ARMS BUDGET

The Soviet military budget, which rose 5% in 1973, will climb by similar amounts in both 1974 and 1975. Pentagon analysts estimate that Kremlin arms spending in 1975 will be 26.8 billion rubles, equivalent in U.S. costs to $93 billion, while U.S. defense spending for fiscal 1975 is budgeted at just under $86 billion. The bulk of the Soviet increases will go to replace existing ICBM's and to develop a new generation of missiles for future use. Despite some Pentagon jitters about Soviet missile expansion in the late '70s, the intelligence experts forecast that spending will level off in 1976.

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BY SHANA ALEXANDER

Good Guys and Bad Guys

The rich plankton of pop heroes and pop villains on which we Americans are accustomed to feed, the daily media soup of sports figures, ax murderers, politicians and rock singers, the ever-running river of celebs, heavies and oddballs that we use to spice up our own relatively humdrum lives has of late become a very watery gruel. Where have all the good guys and bad guys gone? Why does everyone out there look so gray?

Particularly in this uneasy time of waiting and watching to see how events in Washington will work themselves out at last, who will win and who will lose how much—and at what cost to the nation and to ourselves?—one longs for the simple days of only last summer when headlines were thronged with heroes and villains and it was still a simple matter to tell which was which.

What tipped me off to the change was a phrase in an old White House memo by Chuck Colson, the penitent Presidential ax man, who comes about as close to being an honest-to-God villain as one can expect today. When Colson first saw Daniel Ellsberg on the eve of *his* indictment for the Pentagon papers, he wrote a secret memo to Haldeman proclaiming Ellsberg "a natural villain."

"To the extent he could be painted evil," Colson noted, Ellsberg was the perfect figure to "arouse the heartland," to stir up the silent majority (which didn't give much of a damn about purloined documents, but could readily be whipped into hating the press for printing them) and to boost the boss. Colson saw in Ellsberg the potential of another Alger Hiss. Indeed, it was to make this dream of old glory a new reality that the White House "plumbers" were born.

SCAPEGOAT

Natural villains are hard to come by, what with all the shrinks and social-scientist types threatening to understand everybody into the ground, so one can imagine Colson's delight at discovering a perfect specimen on the White House doorstep: disloyal soldier, ungrateful child (to his spiritual father, Henry Kissinger), and thief of state secrets, all wrapped up in one loathsome, pointy-headed, un-American package. While I agree Ellsberg is the demagogue's delight, I would call him a natural scapegoat, not a natural villain.

My own idea of a natural villain is Colson. In my view, his evil lay in his perfect, unquestioning servitude not to a man, nor even to an idea. His loyalty seems to have been to loyalty itself, a deity I find as unworthy and undependable as, say, a polygraph machine. But that is my own prejudice, and it takes all kinds of disloyalists, I am sure, to make the world go round.

A "natural villain" used to be the man you loved to hate. Last summer, when Watergate was unraveling on TV like a combination detective serial and courtroom drama, public enthusiasm for the chase ran high, and Senator Ervin reigned with good-humored waggles of eyebrow and pious tag lines of scripture while, on the other side of the table, the screen fairly crackled with miscreants high and low, fools, knaves and scoundrels of every shape and degree.

Now it is not that simple. The punishments have begun, and the game just isn't fun any more. Jail seems to be a vain and inadequate response to these crimes. Restitution to the people of what was taken from them seems necessary.

Another problem with the Watergate heavies was bad style, or perhaps lack of style. They are too much like ourselves; villain tends to dissolve into victim before our eyes.

HARD TO FIND

Something curious seems to be happening to our good old American archetypes. Good guys and bad guys alike seem to belong on the endangered-species list. It is as hard to find heroes today as villains. We know too much. Hero worship has always required a certain distance between subject and observer, a necessary blank space in which the halo may shine.

We don't have to give up heroes and villains. What we need is new, updated definitions that suit these roiling, uneasy times. People in white hats, or black hats, are happily out of date. What is wanted is not cartoon good guys or bad guys, but people with subtle minds. Today the courage to go hatless is itself heroic.

I can identify a few other newly heroic qualities. In a nation of celebrity worshipers among followers of the cult of personality, individual modesty becomes a heroic quality. I find heroism in the acceptance of anonymity, in the studied resistance to the normal American tropism toward the limelight.

Consistency is another heroic quality in this age of future shock. Difficult as it is to adapt to a world of continuous change, it is even more difficult to maintain a consistent posture toward the few things that do not change. Indeed, the ability to remain oneself when the winds of change are howling about one's head may be heroism incarnate.

Equally heroic is the flexibility to change when necessary; to dare to be inconsistent; to admit error, and to grow.

Most difficult is the willingness to be complicated. I reserve my greatest admiration for those who continue to struggle to embrace the whole impossible tangle of snakes that is our society; those who fight to identify and strengthen human connections, and defeat polarizing forces that strain to drive us apart.

Finally, laughter remains heroic, and no gesture is more gallant than the courage to spit in the eye.

As for new villains, the one devil everyone can agree upon is the media. Some criticize its lack of accuracy, others its lack of objectivity, others its tendency to stifle debate and substitute dogma, but these dangers have all proved manageable by a free and responsible press.

More worrisome is the media's unique vulnerability to capture by streakers, hijackers, the SLA, or anyone else who may jump up in front of the lens. New protections must be devised. What most needs guarding today is not the freedom of the press, but its unique exploitability by media freaks.

Television's ubiquitous eye can do evil in another, subtle way—it gives the illusion of being a candid camera, but wherever it pokes and glides, it alters reality by the fact of its presence. It can be dangerous, even wicked to pretend otherwise. The Loud family was victimized by this illusion.

DANGER

When it was agreed that the proceedings of the House Judiciary Committee would be covered by live television, the danger of such distortion was very real. TV, by its mere presence, might trivialize the proceedings, much as happened with the Watergate committee hearings last summer.

But this did not happen. By the end of the week the parade of 38 speakers, each striving in his or her own way to do honor to himself, the system, and to history, had done much to restore one's faith in this nation's moral tone. There was nothing heroic about these 38 people save their common humanity. That turned out to be more than enough.

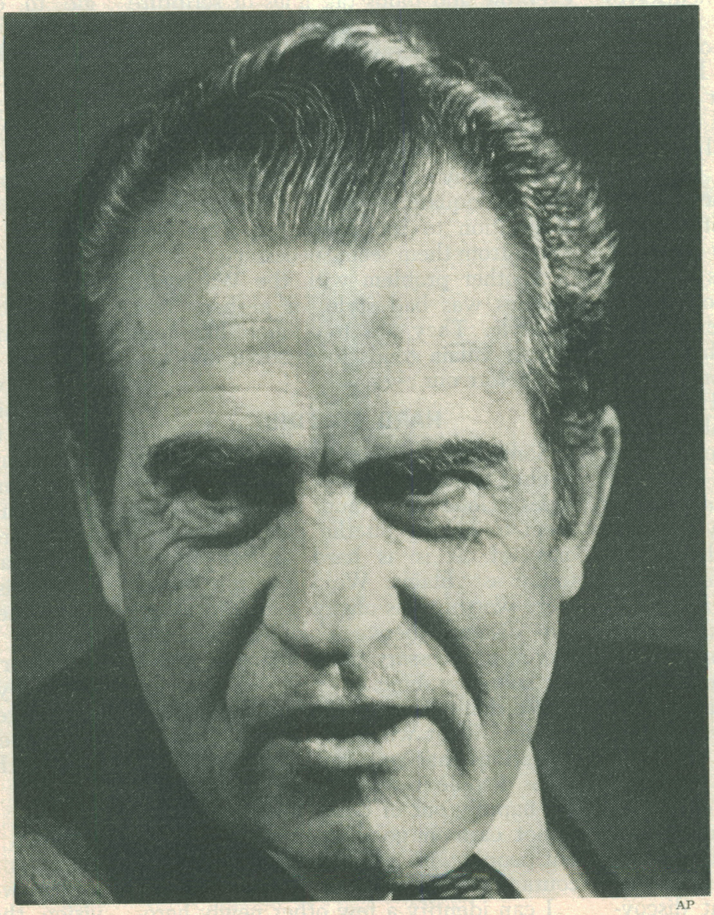
THE FATEFUL VOTE

The decision was easy for none of the 38 men and women called upon to render it. For some, it was the most painful in a lifetime. Some voices cracked, uttering their ayes and nays into the hush of the hearing room. Others went thick with tension. James Mann of South Carolina blinked back tears. Barbara Jordan of Texas felt ill. Chairman Peter W. Rodino Jr. tried to talk to staffers afterward, then was overwhelmed and had to walk away to be alone with his emotions.

But in the end it was done. In an atmosphere heavy with history, a solid bipartisan majority of the House Judiciary Committee voted last week to approve Article I of a proposed two-count bill of impeachment against Richard M. Nixon—the first offered against any President since Andrew Johnson was brought to trial in the bitter years after the Civil War. The blow befell Mr. Nixon close behind a devastating defeat before the U.S. Supreme Court, which unanimously struck down his last legal defenses against yielding up the tape-recorded evidence that could seal his fate. And suddenly he stood deep in the ultimate crisis of his Presidency, his impeachment by the House virtually assured, his conviction by the Senate a growing possibility—and his shotgun resignation once again the subject of the common gossip of the Capital.

Mr. Nixon's entry upon his days of reckoning for the Watergate crimes was an extraordinary passage, begun before the High Court and played out on live network television in the House impeachment proceedings. The committee's public deliberations began in high piety and lapsed at points into backfence squabbling; it bickered away twice its budgeted time getting the first of a packet of proposed articles of impeachment together. But in the lowering dusk of a summer Saturday, it voted out a charge that Mr. Nixon had lied, buried evidence, approved hush-money and otherwise obstructed justice in the Watergate cover-up. And it sent the case to the House floor with imposing bipartisan authority, a half-dozen committee Republicans joining a unanimous Democratic majority in the vote to recommend the impeachment of a President for only the second time in the 198-year history of the American Republic.

The President's defenses had by then already been laid waste by the Supreme Court ruling against him—a repudiation dealt him by his own Chief Justice, Warren Burger, and joined by two others of his appointees. The Court held, in 8-to-0 unison, that Mr. Nixon must surrender tapes or other data on 64 White House conversations for possible use in the trial of six of his men in the Watergate cover-up this autumn. The President spent most of one surreal day pondering whether or not to obey the order, then sent forth his lawyer James St. Clair to tell the nation that he would "comply . . . in all respects." But Mr. Nixon's step back from the brink was too late to stop the committee's rush to judgment upon him, and too little to stem the tide now threatening to engulf his Presidency.



AP

On the eve of history: Too late to stem the tide?

Mr. Nixon approached his critical hours in desperately weakened condition. His approval rating dipped to a dolorous new low of 24 per cent in the latest Gallup poll —one point above Harry Truman's in his darkest days. A Louis Harris survey returned a 53-34 majority for his impeachment by the House and a 47-34 plurality for his conviction and removal by the Senate.

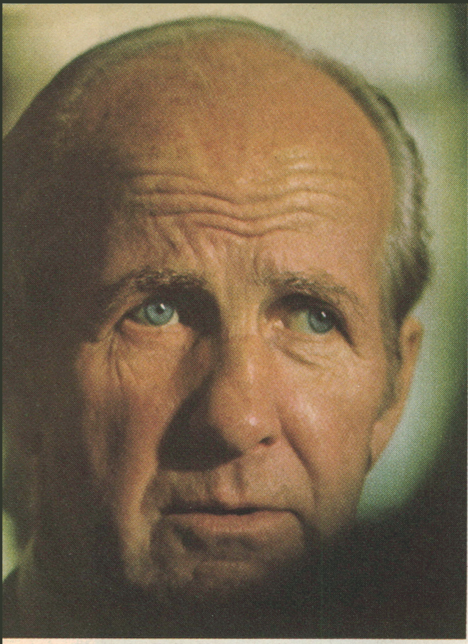
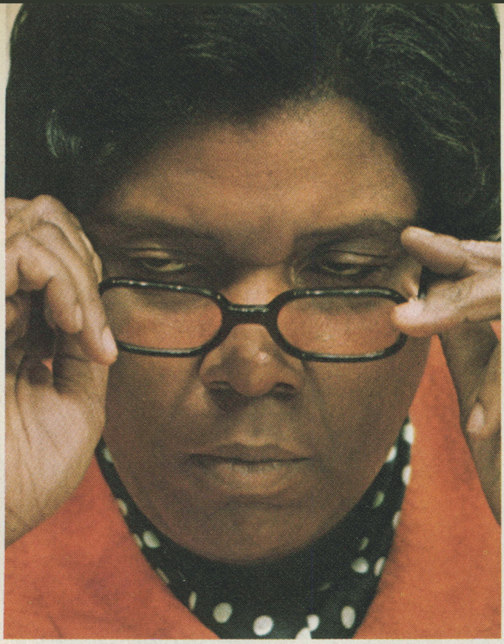
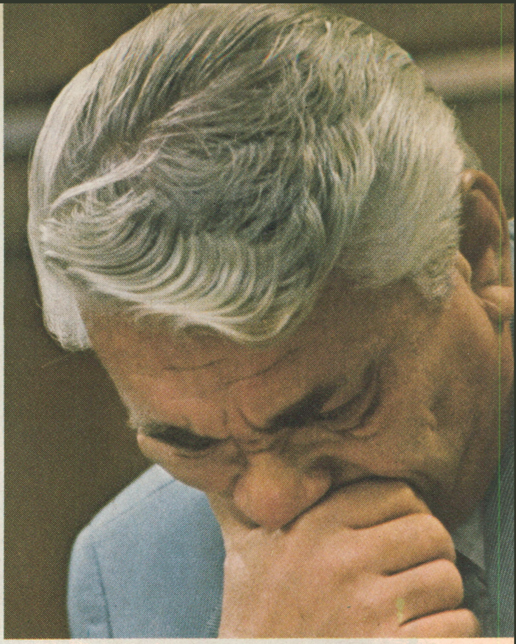
'HE'S GONE'

His staff was shaken and could no longer contrive to conceal it. His party made no organized effort to mobilize in his defense; the week's only visible outpouring of support for him was a vigil by a lonely 600 true believers fasting and praying for him on the Capitol steps. Gloom palled his own brooding retreat in San Clemente, and the scent of blood hung heavy in Washington. "He's gone," said House Majority Leader Thomas P. (Tip) O'Neill. "He's had it."

The prophecy was at once partisan and contagious. The one-two actions of the committee and the Court seemed to Washington to confirm what it has for some time taken for granted—that Mr. Nixon will be impeached in a matter of weeks by a sizable bipartisan majority of the House. His hole card till now has been the two-thirds majority required to convict in the Senate, and he has pledged for months to fight down to the last vote there for his survival.

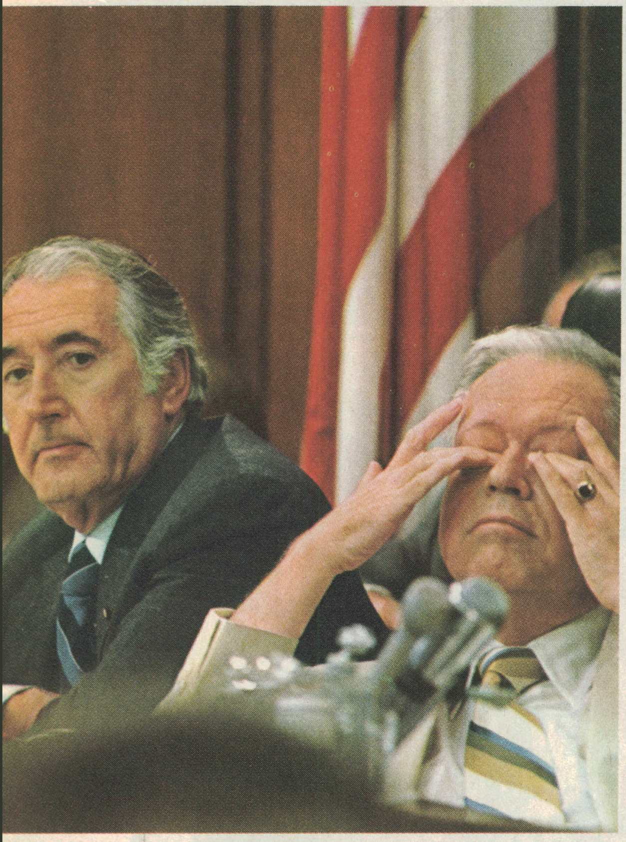
But Newsweek has learned that one of the President's own best pulse-takers on the Hill now counts only 36 sena-

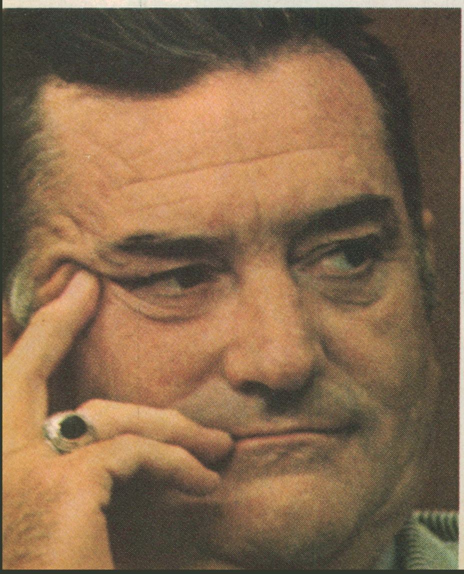
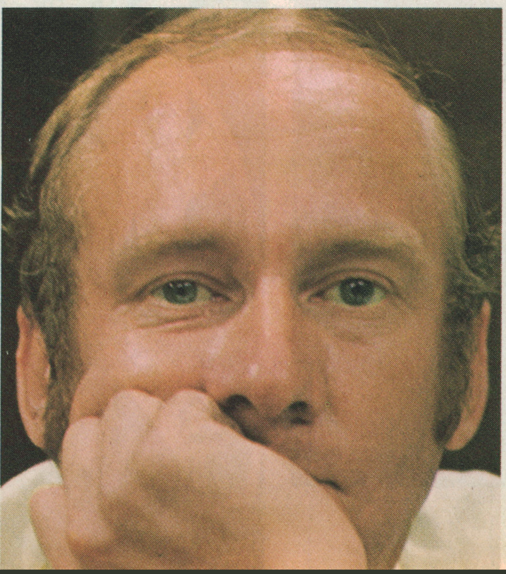
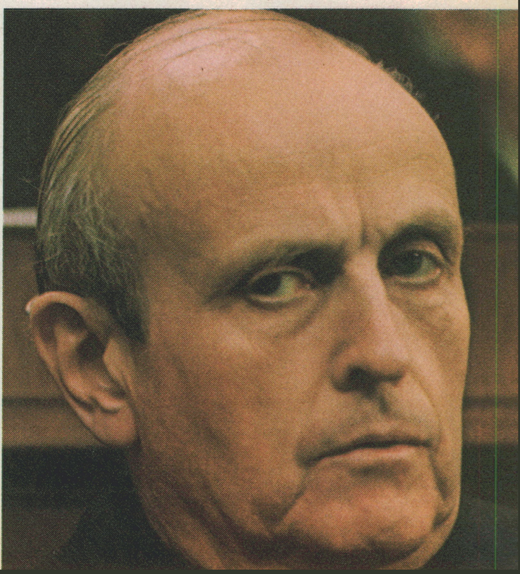
Faces of impeachment: The committee at work. Counterclockwise from the top, Wiggins, Jordan, McClory, Rodino and Hutchinson, Sandman, Railsback and Drinan.

Photos by Wally McNamee—Newsweek

Fred J. Maroon—Louis Mercier



Photos by Wally McNamee—Newsweek

THE FIRST ARTICLE OF IMPEACHMENT

This is the text of the first article of the House Judiciary Committee's bill of impeachment against Richard Nixon:

In his conduct of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, in that:

On June 17, 1972, and prior thereto, agents of the Committee for the Re-election of the President committed unlawful entry of the headquarters of the Democratic National Committee in Washington, District of Columbia, for the purpose of securing political intelligence. Subsequent thereto, Richard M. Nixon, using the powers of his high office, engaged personally and through his close subordinates and agents, in a course of conduct or plan designed to delay, impede, and obstruct the investigation of such unlawful entry; to cover up, conceal and protect those responsible; and to conceal the existence and scope of other unlawful covert activities.

The means used to implement this course of conduct or plan included one or more of the following:

(1) making false or misleading statements to lawfully authorized investigative officers and employees of the United States;

(2) withholding relevant and material evidence or information from lawfully authorized investigative officers and employees of the United States;

(3) approving, condoning, acquiescing in, and counseling witnesses with respect to the giving of false or misleading statements to lawfully authorized investigative officers and employees of the United States and false or misleading testimony in duly instituted judicial and congressional proceedings;

(4) interfering or endeavoring to interfere with the conduct of investigations by the Department of Justice of the United States, the Federal Bureau of Investigation, the Office of Watergate Special Prosecution Force, and Congressional Committees;

(5) approving, condoning, and acquiescing in, the surreptitious payment of substantial sums of money for the purpose of obtaining the silence or influencing the testimony of witnesses, potential witnesses or individuals who participated in such unlawful entry and other illegal activities;

(6) endeavoring to misuse the Central Intelligence Agency, an agency of the United States;

(7) disseminating information received from officers of the Department of Justice of the United States to subjects of investigations conducted by lawfully authorized investigative officers and employees of the United States, for the purpose of aiding and assisting such subjects in their attempts to avoid criminal liability;

(8) making or causing to be made false or misleading public statements for the purpose of deceiving the people of the United States into believing that a thorough and complete investigation had been conducted with respect to allegations of misconduct on the part of personnel of the executive branch of the United States and personnel of the Committee for the Re-election of the President, and that there was no involvement of such personnel in such misconduct; or

(9) endeavoring to cause prospective defendants, and individuals duly tried and convicted, to expect favored treatment and consideration in return for their silence or false testimony, or rewarding individuals for their silence or false testimony.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

tors for him on a showdown vote—a bare two more than he would need to cling to office—and that six of the 36 must be considered "soft." Similarly bleak tallies were common in the cloakrooms, and once again the elders of both parties speculated openly that Mr. Nixon might yet throw in his hand. "Just imagine that headline the morning after the House vote —NIXON IMPEACHED," said one Senate Republican leader. "The pressures to resign are going to be overwhelming, and not just from Congress—from everywhere."

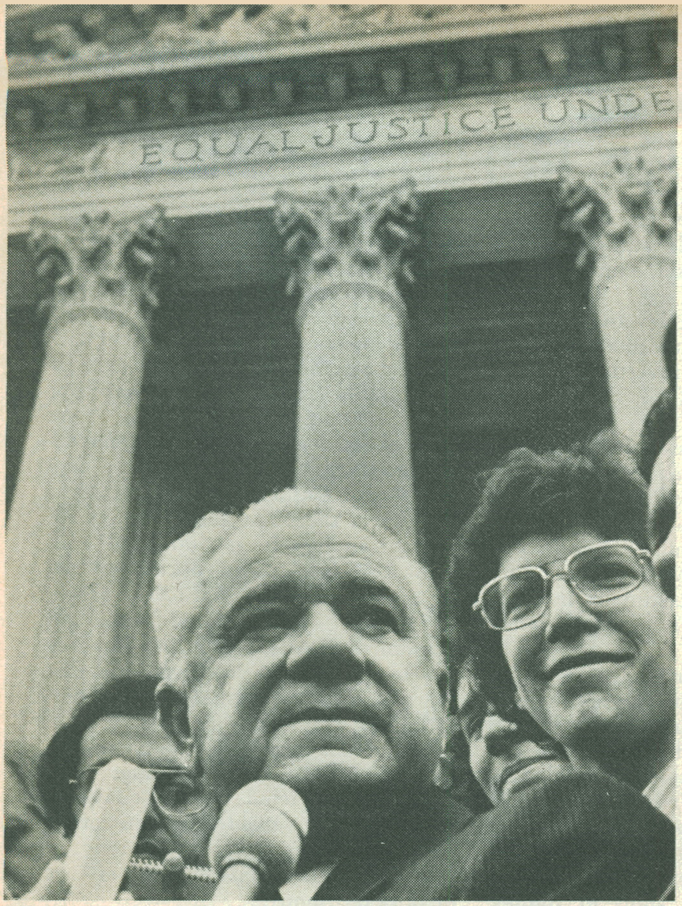
It was the Court that set the premonitory thunder rumbling the very day the committee began its great debate. The case of *U.S. v. Nixon* came before the Justices with all the potential for constitutional bloodletting; their power rests finally on the consent of the judged to obey them, and they closed ranks to make it as costly as possible for Mr. Nixon to disobey. Burger wrote and delivered the opinion for maximum symbolic effect, his language flat, his voice uninflected. But his message was unmistakable—the President's claim to unlimited Executive privilege must fall before "the fundamental demands of due process of law . . . [and] the demonstrated, specific need for evidence in a pending criminal trial."

Prayers and persuadables: While a pro-Nixon group holds a prayer meeting on the Capitol steps, GOP converts Hogan, Butler and Cohen (top) and committee counsel Garrison, Doar and Jenner ponder the evidence.

The news hit the Western White House with deadly force. Mr. Nixon's senior people went into a scramble verging on panic—"It was like World War III," said one aide—and chief of staff Alexander Haig hesitated 40 minutes before breaking the news to the President. For seven extraordinary hours that followed, Mr. Nixon and his men held the nation in suspense while they weighed their desolate choice—whether to risk the President's ruin for what the tapes might contain or for withholding them in defiance of the highest court in the land.

Discretion in the end was the better part of valor; a bare half hour before the Judiciary Committee's prime-time debate began, St. Clair was thrust on-camera, smiling tightly, to announce that Mr. Nixon would obey the Court "forthwith." Sorting the tapes, he said, would still be a "time-consuming process," and some of his adversaries guessed that he was signaling the beginning of a long, litigious rear-guard action over every last tape. But if his intent was in fact to delay, the first results were disappointing. Special prosecutor Leon Jaworski got an order from Judge John J. Sirica, directing that St. Clair begin delivery this week. And the Judiciary Committee brusquely overrode a last, enfeebled Republican attempt to hold up its proceedings in the hope that Mr. Nixon would give the committee the tapes as well.

The committee's basic decision for impeachment was by then already sealed; all that remained—or so the leadership thought—was the arithmetic, and the high public theater of 38 tense, ill-sorted and fractious men and women debating the destiny of a President on live TV. Going on-camera at all



Jaworski: After the verdict, a demand for speed

was a late and cautious decision, based on the calculation that the result was essentially assured. What the leadership didn't reckon on was the sinew and the resourcefulness of the opposition—a *guerrillero* gift for combat that caught the majority with its overconfidence showing and turned the great debate at intervals into an insomniac public bicker.

The spectacle started on a far loftier footing, with six raps of the gavel and a somber invocation by Rodino; the silvery-haired, pebbly-voiced gentleman from Newark called up the ghosts of Rome and Runnymede and Philadelphia, and urged his colleagues to proceed in good-will, honor and decency toward their decision. All that evening and through the next day, they filled the screen with an unprecedented eyewitness view of history being made. Some spoke thickly of the pain of decision and some embraced it; some warned of the perils of removing a President and some of the dangers of failing to do so; some called the evidence insufficient to prove a single crime—and some, like Rodino at the close of the general debate, felt forced to conclude "with a heavy heart . . . that the President must be found wanting."

THE MEN IN THE MIDDLE

But the real struggle lay far off-camera, in the anxious and sometimes angry negotiations to put together the bipartisan majority required to make the charges stick. The committee leadership believed from the first that it would take all 21 of Judiciary's Democrats and at least four or five of its seventeen Republicans to give a bill of impeachment the legitimacy it would need to carry. The President's champions in the White House and on the committee countered by trying to split the panel along narrow party lines and so bring its indictment to the floor with the taint of open partisanship. The stake in the backstairs maneuvering thus became the allegiance of the swing voters—a half dozen or so "persuadable" Republicans and three uncommitted Southern Democrats.

Most were thought to be tilting toward impeachment, and their way became easier when the dominoes started tipping early in the week. First the committee's No. 2 Republican, Robert McClory of Illinois, passed the word privately to Rodino that he was ready after considerable public vacillation and private agonizing to vote "aye" on at least two counts. He was followed in short order by Maryland's Lawrence Hogan, a conservative and hitherto a staunch Nixon defender, who turned suddenly and publicly on the President in language echoing the leftmost edge of the committee's Democratic caucus: "My President has lied repeatedly . . . concealed and covered up evidence . . . approved the payment of what he knew to be blackmail . . . Richard M. Nixon has beyond a reasonable doubt committed impeachable offenses."

Hogan's apostasy came as a particularly stunning blow to the Nixonians, who had counted him in their safe column. On the rumor alone, two White House aides put in calls hoping to head him off (he didn't return them) and Vice President Gerald Ford urged him at least to hold off announcing before the debate. Hogan declined, and his defection called up frightening visions of a stampede away from the President. Dean Burch, a leader in the renascent White House attack group, noted that Hogan is running for governor of Maryland—a 3-to-1 Democratic state with an illustrious history of civic corruption—and charged him with doing some good-government politicking at Mr. Nixon's expense. House GOP hierarchs John Rhodes and Leslie Arends convened a worried leadership meeting, then dispatched a letter imploring the party rank and file to "keep their own counsel" at least till all the arguments were in.

They were too late to arrest the slippage within the committee; four Republicans had by then joined with three Democratic Southerners in their own swing caucus, with Illinois's GOP Rep. Tom Railsback as their catalyst and impeachment on their own moderate terms as their aim. The swing seven found themselves unhappily but irresistibly persuaded by the evidence for impeachment. What they objected to was the packet of four preliminary draft articles proposed by chief counsel John Doar and his staff; they thought at least two of them unsalable—one charging contempt of Congress, another willful tax evasion—and the others too strident in tone and too general in construction.

'LISTEN TO THE SWING VOTES'

Through two days before the debate, and in the late-night and early-morning breaks thereafter, the converts huddled in Railsback's office and bargained with a drafting committee of senior Democrats assigned to rework Doar's draft articles. There were passages of diplomacy Kissinger-style, the signals flying between the two groups by phone, by hints to reporters, and by two-way shuttle with South Carolina Democrat James Mann as the principal go-between. "If they want impeachment, they better listen to the swing votes," one of the Republicans told a newsman; the word promptly got back to the drafting committee, led by California's Don Edwards, and whether or not as a result, more "maliciouslies" and "willfullies" wound up on the cutting-room floor.

The treaty talks were long, tense and intermittently cranky. The Democrats did drop tax evasion but insisted nearly to the end on a separate contempt article, largely in the hope of catching McClory's vote; he was known to consider the President's defiance of eight committee subpoenas a crime as heinous as any in the Watergate record. But the swing caucus wasn't buying, and there were flashes of temper between the parties. "Very frankly," groused Railsback at one touchy juncture, "I hope they come up with articles we *can't* vote for." At another, one of the drafting-committee Democrats, Jack Brooks of Texas, indulged in a moment's peevishness at the pampering of the swing men: "You don't give those mothers the bank when they only own 2 per cent of the stock."

But the Democrats did concede the major sticking point, folding the contempt charge into a catchall abuse-of-powers article, and the two groups got in under the wire with the two-count indictment laid formally before the committee on opening night. The obstruction-of-justice charge, despite some bumpy passages, seemed to them well-enough carpentered—a litany of the now-familiar accusations that Mr. Nixon had tried to cover up Watergate by lying, suborning perjury, concealing evidence, silencing witnesses with hush money and promises of favored treatment, misusing and misleading

various investigative agencies, and making false statements to the American people. Doar and the drafters kept on penciling and polishing the article, tracking it with deletions, insertions, brackets, circles, arrows and marginal notations and finally putting it forward in edited form as a substitute for the original version. But the alterations were mainly in style, not substance, and the committee leadership thought the completed Article I would carry with relative ease.

The negotiators had considerably more trouble writing the abuse-of-powers charge; they wound up rushing it before the committee in jerry-built form—"a mess," one co-author called it—that satisfied nobody entirely. The article was an umbrella for a wide range of charges, some of them overlapping the Watergate cover-up case, others fixing on the political-police operations run out of the White House, still others alleging that Mr. Nixon had misused the FBI, the CIA and the Internal Revenue Service. The contempt charge was a throw-in that particularly troubled some of the swing voters and did not in the end win McClory's instant embrace; he drew his own radically scaled-down rewrite of the article and planned to offer it as a substitute this week. The best the negotiators would say for their own draft was that it needed work; they labored into the weekend trying to sharpen it, and predicted that it finally would pass—"if," as one aide put it solemnly, "they can get the language they want."

'WHAT STRATEGY?'

The majority, as it turned out, was watching its wrong flank—and was accordingly caught off balance by the form and the fury of the Republican assault on the obstruction-of-justice draft. The committee's Nixon partisans had till then seemed to wilt into defeatism in the face of the long odds against them. One of them, California's Carlos Moorhead, complained in the opening debate that practically everybody seemed to want Mr. Nixon impeached—probably even a majority of the American people. Another, Ohio's Delbert Latta, was asked in a corridor interview what the Republican counterstrategy would be. "Strategy?" snapped Latta. "What strategy? When you've got the votes, you vote."

The obtrusive fatalism on prime-time TV sat badly in San Clemente, and, as one insider told it, Mr. Nixon's vitriolic communications director Ken Clawson was put on a plane east to "kick asses" among the President's friends on the committee. Whose got bruised was uncertain, but GOP appetite for combat revived overnight, and the battle plan came straight out of the White House portfolio—a hitherto little-noted addendum to St. Clair's defense brief setting out his views on the form a properly drawn article of impeachment must take. The central message was that due process was the "overriding concern" in an impeachment case—and that it required the accusers to draft articles clearly and specifically detailing any alleged criminal acts.

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
93D CONGRESS

ROLL CALL

ARTICLE I

REPUBLICANS	Ayes	Nays	DEMOCRATS	Ayes	Nays
MR. HUTCHINSON		X	MR. DONOHUE	✓	
MR. McCLORY		X	MR. BROOKS	✓	
MR. SMITH		X	MR. KASTENMEIER	✓	
MR. SANDMAN		X	MR. EDWARDS	✓	
MR. RAILSBACK	✓		MR. HUNGATE	✓	
MR. WIGGINS		X	MR. CONYERS	✓	
MR. DENNIS		X	MR. EILBERG	✓	
MR. FISH	✓		MR. WALDIE	✓	
MR. MAYNE		X	MR. FLOWERS	✓	
MR. HOGAN	✓		MR. MANN	✓	
MR. BUTLER	✓		MR. SARBANES	✓	
MR. COHEN	✓		MR. SEIBERLING	✓	
MR. LOTT		X	MR. DANIELSON	✓	
MR. FROEHLICH	✓		MR. DRINAN	✓	
MR. MOORHEAD		X	MR. RANGEL	✓	
MR. MARAZITI		X	MS. JORDAN	✓	
MR. LATTA		X	MR. THORNTON	✓	
	6	11	MS. HOLTZMAN	✓	
			MR. OWENS	✓	
			MR. MEZVINSKY	✓	
			MR. RODINO, *Chairman*	✓	
				21	0
TOTAL	27	11			

The issue St. Clair raised was one of form, not substance, but it was an opening, and for one bitterly factitious day it turned the Nixon defense into a hammering, hectoring prosecution. The majority drafters had in fact drawn their nine-point cover-up case in broad strokes, in part because Doar's assemblage of detail was so vast (it filled 9,888 pages and took 306 more simply to summarize) and in part because they wanted maximum leeway to introduce evidence in a Senate trial. What they hadn't anticipated, largely because they had overlooked the St. Clair brief, was their consequent vulnerability to attack—and as a result they came into Room 2141 of the Rayburn Office Building visibly unprepared for the barbering the Republicans gave them.

One after another carried the assault to Maryland Democrat Paul Sarbanes, the luckless point man for the pro-impeachment coalition. Ranking Republican Edward Hutchinson of Michigan protested that the draft "leaves the defendant . . . groping around trying to find out what he's accused of." California's Charles Wiggins, the President's premier defender on the committee, demanded to know when, where and how Mr. Nixon was supposed to have set the cover-up in motion; Sarbanes stumbled and stammered unhappily through an answer.

New Jersey's Charles Sandman, a bluff, bullyragging debater, put Sarbanes through a further punishing cross-examination—"[The President] is entitled to know specifically what he did wrong, and how does he gather that from what you say here?" Later, Indiana's David Dennis shouted down the twin tiers of desks that generalities were "not constitutional and not fair . . . You can not just tear the Constitution up and throw it away, and that's what you're doing!"

COUNTERPOINT

The assault threw the majority onto the defensive, and for anxious moments seemed to be opening some hairline fissures in the coalition; several teetery swing voters argued off-camera and on that the case ought indeed to be more specifically drawn. Nor was there any end to the torment in sight; Wiggins cheerily served notice that the Nixon forces planned a series of motions to strike each of the article's nine paragraphs, thus jamming Rodino's timetable for closing the case by the weekend and spilling the committee's public show of disarray into this week. The result was a swirl of tense caucuses, the coalition members meeting in varying combinations to regroup their forces, recoup their morale and improvise strategy.

What took form out of these sessions was less a single battle plan than a series of extempore tactical choices. The first was to stand by the cover-up article as written but to mollify the swing voters with a backup staff memo detailing the particulars; John Doar, already hollow-eyed from too many sleepless nights, put a team of staffers to work penciling an existing rough draft into shape in time for the second day's de-

bate. Choice No. 2 was to let Wiggins's partisans go ahead for the moment with their filibustery series of motions rather than try to shut them off by parliamentary fiat. And choice No. 3 was to challenge their command of the television screen by returning to the offensive. The point position passed from Sarbanes, a rather professorial sort, to California's Jerome Waldie, a skilled advocate with a D.A.'s sense of the case; he and his colleagues promptly began answering the Republican demands for specifics by reading them specifics aplenty—on living-color, prime-timed TV.

The bickering ran nearly till midnight Friday, and in the end, however it played in Peoria, the talk show changed no minds at all in Room 2141. The litmus test came on the first of that night's Republican motions to dismember the article paragraph by paragraph, and it played roughly as the majority elders had guessed it would. Their single disappointment was the defection of Wisconsin Republican Harold Froehlich, who signaled that he could be tempted back on the final tally by a well-drawn supporting bill of particulars; their single surprise was a vote thrown their way by New York Republican Henry P. Smith, who had announced his opposition to impeachment on any ground, possibly excepting the secret decision to bomb Cambodia. But the preliminary balance of forces came out almost exactly as they had calculated: a solid 27 to 11 against the GOP.

'THE GENTLEMAN WAS RIGHT'

Some of the heart went out of the President's defenders thereafter. "There is no way the outcome of this vote can be changed by debate," gruffed Sandman, and he offered to withdraw the remaining motions to gut the article. But the pro-impeachment coalition took them over next morning and turned them to their own use—a well-choreographed daylong exposition of the evidence against the President. The untidy squabbling of the night before turned into an authentic debate on the merits, with the swing Republicans and Southern Democrats carrying the prosecution case for maximum effect and Wiggins leading a last, rear-guard action for the President's defenders. The Nixonians, having demanded specificity, found themselves drowning in it. "The gentleman from New Jersey," Hogan twitted Sandman, ". . . convinced a number of us that he was right."

One by one, the amendments fell; and as the final vote approached, oratory and partisan bickering yielded to an odd hush of the spirit. It was Sandman who signaled the end of resistance: "There will be another time and God bless us there will be another day, and that is on the House floor." Alabama's Walter Flowers said he knew his vote would hurt some of his friends deeply, but "I probably have enough pain for them and me." In the dead silent room, the clerk's voice droned as always: "Mr. Donohue . . . Mr. Brooks . . . Mr. Kastenmeier . . ." One by one, the Democrats cast their ayes, softly and expressionlessly. Ed Hutchinson boomed out his no; Railsback glanced at the clock as he cast the first Republican vote for impeachment. A murmur stirred when Froehlich crossed over, too, and it was done, 27 to 11. As his gavel fell, Rodino just barely smiled: he had brought it off, as he promised, with decency. There were no cheers and few tears in the high room, but the silence broke in a rising hum.

The committee then recessed for the weekend, with its elders hoping to cobble up Article II—charging abuse of power—solidly enough to head off another bitter wrangle. They might well succeed; with the precedent set, chances seemed good that the coalition would pick up at least one more vote, McClory's, and there were no signs of defection. McClory also promised to introduce a third article, based on the President's defiance of the committee's subpoenas, and there was talk of still more charges covering the secret bombing of Cambodia and Mr. Nixon's personal finances. But whatever the outcome of the coming week, last Saturday's vote would stand: the House had a finished article, and the next step was now unavoidable.

Mr. Nixon passed his time of trial in seclusion at Storm King, the Secret Service code name for his villa in San Clemente; he rarely descended from his study to his Western

Justices Burger, Douglas, Brennan, Stewart . . .

White House office, and his people insisted that he was not watching the committee deliberations on his future—not even the climactic vote. He was in swimming trunks after a walk on the beach with Tricia and Eddie Cox when Ron Ziegler passed him the word by phone; the subsequent White House statement said only that he "is confident because he knows he has committed no impeachable offense." But a palpable sense of melancholy had already spread among his people. One of Mr. Nixon's coolest political advisers sent quiet word that the odds favoring his impeachment in the House were 6-4 or worse, and that his situation in the Senate was "serious." And his attack group tried out new lines of defense quite apart from the merits of the evidence against him—that he must be acquitted in the House simply to spare the nation the trauma and the peril of a trial in the Senate.

But with the decisions of the committee and the Court against him, the feeling spread through the Capitol that neither the pain nor the danger could be avoided much longer. The House plans to begin 100 hours of debate on the committee's bill of impeachment in a fortnight and to vote it before the month is out; the Democratic leadership guesses at the margin begin at 60 votes, and run far higher. The Senate likewise was preparing for its own days of decision in early autumn, and its best head-counters think for the first time that the President stands in real danger of conviction. The consequent talk that he might quit was as much wishful as predictive—a measure of the anguish Congress feels at the approaching time of judgment. But the processes of judgment were set irrevocably in train last week, and Washington once again was heavy with the premonition that the Nixon Presidency will not last out the year.

Wally McNamee—Newsweek

White, Marshall, Blackmun, Powell and Rehnquist: The ruling was narrow, unanimous—and against Mr. Nixon

A Very Definitive Decision

It's an old adage around the Supreme Court that hard cases make bad law, and the case of the subpoenaed White House tapes seemed to be the hardest in memory. Not only were the Justices asked to explore the uncharted doctrine of Executive privilege, but the tapes themselves were inextricably entwined with the impeachment of Richard Nixon—and the Court was deliberating under the repeatedly implied threat that Mr. Nixon might choose to ignore its order, thus touching off a shattering constitutional crisis. So when the ruling was finally handed down last week, it was designed to make as little law as possible: to be prudently narrow, solidly unanimous and as definitive as any President could ask.

Chief Justice Warren Burger himself wrote the opinion, joined by two more Nixon appointees and the five holdovers from the Warren Court.* In effect, Burger read the President a lesson in elementary civics, fetching back to the landmark *Marbury v. Madison* to reassert the High Court's right to define the law. Then Burger proceeded to define it, declaring that neither the doctrine of separation of powers nor the President's need for confidentiality in his office was reason enough to withhold evidence from a criminal trial. The conclusion: Mr. Nixon must "forthwith" turn over the tapes of 64 subpoenaed White House conversations to U.S. District Judge John J. Sirica so that he could determine whether they were relevant to the forthcoming Watergate cover-up trials.

The ruling did establish one modest benchmark: for the first time, the Court acknowledged that there were "Constitutional underpinnings" for the Presidential claim to Executive privilege. Even this concession was kept as narrow as possible, avoiding any sweeping conclusions and explicitly refusing to discuss the limits of White House protection in the face of civil litigation or Congressional demands for information. But whatever else it meant, Burger declared, Executive privilege "cannot prevail over the fundamental demands of due process of law in the fair administration of criminal justice."

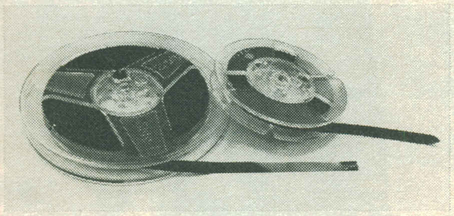
In its other conclusions, the ruling was clearly tailored to bridge the Court's widening opinion gaps and achieve unanimity. Burger did raise the startling possibility that a President might be cited for contempt of court, but promptly ducked it with the mild observation that such a "peculiarly inappropriate" action would "engender protracted litigation." And despite having agreed to rule on Presidential counsel James St. Clair's protest that the Watergate grand jury had no right to name Mr. Nixon an unindicted co-conspirator, the Justices simply reneged: they had, they explained, "improvidently granted" their consent in the first place. The effect of that maneuver was to leave the Presi-

*Justice William H. Rehnquist, the fourth Nixon appointee, withdrew from the case, because of his previous service at Justice under John Mitchell.

SPOTLIGHT ON THE TAPE VAULT

It was just over a year ago that Alexander P. Butterfield reluctantly announced to the world and the Ervin committee that President Nixon had bugged his own office—a revelation that turned public attention sharply to an inconspicuous little room in an Executive Office Building stairwell, the White House tape library. The Supreme Court's decision last week to make tapes and documents of 64 more White House conversations available to special prosecutor Leon Jaworski brought that tightly guarded, sometime "broom closet" back into the spotlight—not only for what might be stored there, but also for what might be missing.

White House officials have been quietly warning for several weeks that the latest cluster of tapes subpoenaed



by Jaworski may contain "natural" gaps like those that punctuated previously released White House conversations, often in crucial spots. Usually, the explanation was either that an unattended recorder had run out of tape or that the talk took place out of microphone's reach—perhaps out of doors, over an unrecorded phone, or in the President's living quarters.

A recently streamlined system of cataloging the tapes may have made such gaps easier to find and even to explain. But as the President's lawyer James St. Clair pleaded in Judge John Sirica's courtroom last week for time to review and analyze the tapes, he was patently less concerned with the probable gaps than with what the remaining tapes might show. As one highly placed Justice Department official put it, "The materials in the subpoena alone strongly point to a pattern of Presidential guilt."

Special prosecutor Jaworski's subpoena covers four major aspects of the Watergate case: the immediate aftermath and cover-up of the burglary, E. Howard Hunt's subsequent demands for Executive clemency and "hush money," alleged efforts to use the CIA as a shield against the FBI investigation, and a flurry of White House activity that followed John Dean's disclosures to the prosecutors. Almost a fifth of the 64 conversations Jaworski cited in his subpoena, however, may never have been recorded. Nine were conversations over possibly unrecorded "residence" telephones, and two took place at Camp David, where the only full-time bug was on an office phone. And Jaworski could not place an exact time on two other meetings—with the result that at least one, says the White House, cannot be found.

Locked: The tapes recently have been kept in security befitting the crown jewels. Maj. Gen. John Bennett, who was hand picked by White House chief of staff Alexander Haig to safeguard the tapes, cataloged them chronologically, then packed them in close to a thousand individual cardboard cartons in three locked vaults. Bennett installed electronic sensors to constantly scan the vaults and the tapes and automatically report any incursion to a computer. A Secret Service agent must be on hand each time the room's heavy wooden door is opened; only two keys open it

Lawrence McIntosh

Bennett: Crown-jewel security

—and when Bennett resigned last spring he passed on both of them to his successor, staff secretary Jerry Jones.

But things weren't always so tidy. Before Bennett, the tapes were bunched and bound up by the half dozen in cheap wrapping paper, left to stack up in the White House offices of the Secret Service and given little or no attention. H.R. (Bob) Haldeman casually checked out a whole batch of the tapes even after his resignation from the White House staff—and to get them, all he had to do was initial a scrap of the butcher paper that the tapes' Secret Service attendant kept on hand.

Demands: No one is ruling out the possibility of further gaps, buzzes or hums in the conversations. One significant hole in the remaining tapes has already become known: nineteen min-

dent's standing in the case unchanged.

If the Justices had meant their 8-to-0 solidity to head off a confrontation, it worked. After eight hours of public silence and internal seething, the White House announced that Mr. Nixon would comply with the ruling—and two days later St. Clair, Sirica and special prosecutor Leon Jaworski had agreed on the schedule for turning over the tapes; the question now became what was on them—or wasn't (box).

It was a case that the Justices had been dreading for a year—ever since Jaworski's predecessor, Archibald Cox, subpoenaed the first nine of the White House tapes disclosed in the Senate Watergate hearings. The White House refusal of that legal demand had been overruled by the U.S. Court of Appeals and seemed headed for the High Court last October when a public convulsion intervened: the President fired Cox and forced the resignations of Attorney General Elliot Richardson and his deputy, William Ruckelshaus, touching off a fire storm of indignation. In the aftermath, Mr. Nixon agreed to Jaworski's appointment, gave him extraordinary autonomy and turned over seven of the disputed tapes—disclosing, belatedly, that two of them had never existed.

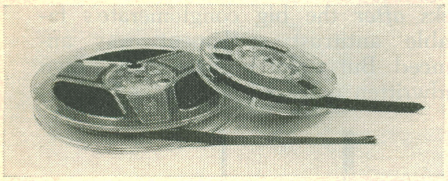
'IF WE HAD OUR DRUTHERS . . .'

After Jaworski got indictments in the Watergate cover-up, he issued a subpoena for 64 more tapes of conversations that took place between June 20, 1972, and June 4, 1973, all but one including the President—and the battle was joined again. The case was headed back to the appellate court last May when Jaworski, citing the urgent need for a final ruling before the September 9 trial began, asked the Supreme Court to take up the controversy before it recessed for the summer. To the surprise of many, the Court agreed—reluctantly. After questioning Jaworski and St. Clair in oral arguments last month, one Justice confided to a friend: "If we had our druthers, the case wouldn't be here. But here it is—and we've got to deal with it."

The following morning, the eight Justices met in the large conference room outside Burger's chambers and, for the next six hours, argued the case. The Justices, according to NEWSWEEK's sources. tilted heavily against the President from the first, but differed by degrees. William O. Douglas, William J. Brennan, Thurgood Marshall and Potter Stewart reportedly wanted a broad ruling on the entire issue of Executive privilege, while Byron R. White and Lewis F. Powell

utes of a conversation between the President and John Ehrlichman on March 20, 1973, the day Dean says he told both Ehrlichman and Haldeman about Hunt's money demands.

Nevertheless, barring wholesale destruction, the tapes yielded Jaworski by the High Court promise a great deal, including two face-to-face talks between the President and his aide Charles Colson just three days after the Watergate burglary and a series of conferences between Haldeman



and the President three days later in which the CIA's potential role in the Watergate investigation was reportedly discussed. In addition, former Nixon campaign director John Mitchell's assertion that he concealed his own knowledge of Watergate—and that the President never asked him about it—may sort oddly with the tape of a meeting between Mr. Nixon and Colson in mid-February 1973. Colson says he blew the whistle on Mitchell's role then and advised the President to do the same.

Finally, whatever discrepancies and omissions may be found, Jaworski believes he will have strengthened his case with this last and biggest bundle of tapes. But faced with the consequences of an open defiance of the Supreme Court, Mr. Nixon had almost no alternative. "It was a choice of refusing and guaranteeing impeachment and conviction, or agreeing and living to fight on for a while," said one source close to the White House. "And right now he needs all the time he can get."

wanted the opinion written on the narrowest possible legal grounds. The most troublesome area, however, was jurisdictional; while Burger and Harry A. Blackmun agreed with the majority on limiting privilege, they worried that Jaworski lacked the legal "standing" to sue his nominal boss, Mr. Nixon. But Stewart, the sources say, pointed to the liberal regulations establishing the autonomy of the prosecutor's office, and—under the President's implicit threat to defy an adverse ruling—the two Justices known in the Court as the Minnesota Twins made it unanimous.

Although Stewart apparently wrote the section of the opinion about the case's "justiciability," Burger assigned himself the rest of the task. "There is a tradition of assigning opinions to the least persuaded member of the Court on a particular issue," one Court source explained; that way, the reasoning goes, the opinion will reflect the consensus of the Court and avoid extreme views. The Justices were also aware, however, that an opinion written by Burger—Mr. Nixon's own appointee and a steady proponent of the President's views—would weigh heavily in Congress and the White House.

In the next two weeks Burger circulated his draft among the other Justices, each of them making additions, deletions and objections to the document. Douglas, who went home to Goose Prairie, Wash., a few days after the judges came to basic agreement, communicated his criticism by mail and telephone to his law clerks in the Capital. For a proceeding that involved eight individual and frequently argumentative lawyers, the negotiations progressed rapidly. "The public concern over delay is understandable," a source close to the Court told NEWSWEEK's Stephan Lesher, "but it would be extraordinary and unique if the Court had written an opinion of this importance in a shorter time."

The 31-page opinion was thus a committee project with a suitably neutral tone. The Court tidily retraced the subpoena's course, established St. Clair's right to appeal and affirmed that Jaworski had proved that the 64 tapes were relevant and that his subpoena was not "a fishing expedition." The Justices were impressed by St. Clair's argument that the tapes were inadmissible hearsay, but they noted that the liberal evidence rules governing conspiracy trials allowed the introduction of remarks not only by one defendant against another but also by an alleged co-conspirator who was not himself a defendant—a pointed reference to Mr. Nixon's standing. The Justices then considered three major questions:

■ **Can the special prosecutor sue the President?** St. Clair had argued that the matter was an intramural quarrel between two officials in the executive branch and therefore not a case for the courts. But the Justices ruled that the Attorney General, with the President's permission, had issued a regulation investing the special prosecutor with "unique authority and tenure," including the "explicit power" to contest in court Presidential claims of Executive privilege. The Attorney General could also have amended or revoked that regulation, the Court said, "but he has not done so . . . So long as this regulation is extant it has the force of law."

■ **Is the President subject to the Court?** Under the separation of powers doctrine, St. Clair had argued, the President's confidentiality is absolute and not subject to judicial review. But Jaworski had answered that the nation's constitutional form of government would be jeopardized "if the President, any President, is to say that the Constitution means what he says it does, and that there is no one, not even the Supreme Court, to tell him otherwise." The Justices easily agreed with Jaworski, reaching back to the *Marbury v. Madison* ruling in 1803 that "it is emphatically the province and duty of the judicial department to say what the law is." The court added: "The 'judicial power of the United States' vested in the Federal courts . . . can no more be shared with the Executive Branch than the Chief Executive, for example, can share with the Judiciary the veto power, or the Congress share with the Judiciary the power to override a Presidential veto."

■ **Can Presidential records be subpoenaed?** To protect the public interest by preserving candor in discussions between

Yoichi R. Okamoto—Rapho Guillumette

Justice and the Chief: Balancing act

the President and his closest aides, St. Clair had contended, all of the President's confidential communications must be held privileged. Jaworski had countered that the need for evidence in a criminal proceeding took precedence over the need for confidentiality.

Although the first President to claim that his records were privileged was Thomas Jefferson in 1807, the Supreme Court had never before formally recognized the doctrine. Now the Court declared flatly that "privilege is fundamental to the operation of government and inextricably rooted in the separation of powers under the Constitution." But if there is no claim of a need to protect

military, diplomatic or sensitive national security secrets, the Court added, the President's privilege of confidentiality must be weighed against the needs of criminal justice. "Without access to specific facts, a criminal prosecution may be totally frustrated," Burger wrote. "The President's broad interest in confidentiality of communications will not be vitiated by disclosure of a limited number of conversations preliminarily shown to have some bearing on the pending criminal cases."

The Justices concluded by admonishing Sirica to treat the subpoenaed tapes with the "high degree of respect due the President of the United States"—although they added in the next breath that in no sense was the President above the law. "Statements that meet the test of admissibility and relevance must be isolated," the Court said; "all other material must be excised" and protected from release or publication until it can be returned to the President. In selecting the relevant sections Sirica may consult with both Jaworski and St. Clair, but the final decision is his alone. The Court did, however, leave open the possibility that the White House may appeal Sirica's decisions, raising a glimmer of a chance of protracted bickering over the tapes.

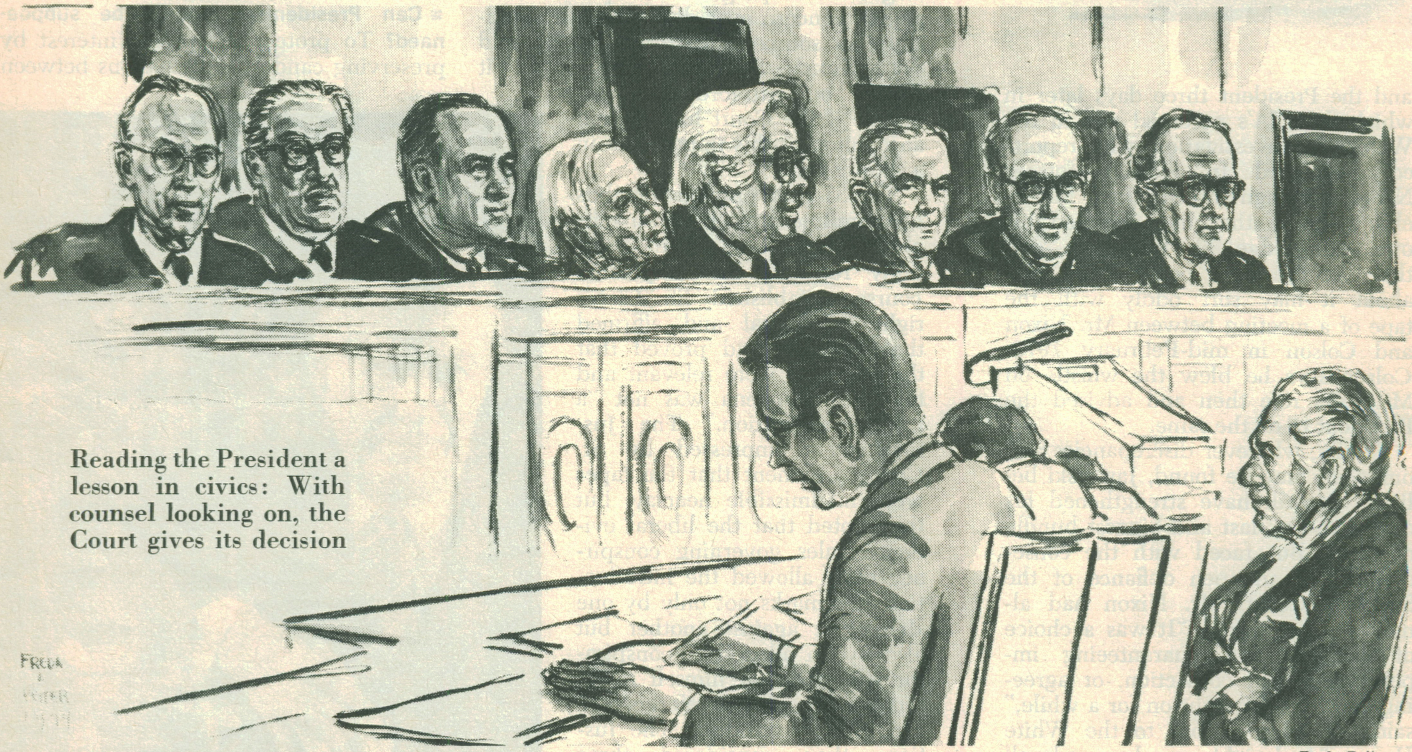
'A NEGOTIATED DOCUMENT'

Constitutional-law experts agreed that the Court's opinion was cautious—"obviously a negotiated document," said Yale's Alexander Bickel—and that it was more a reaffirmation of the Court's historic role than a trail blazer. But that may have been just what the Justices had in mind. "I've said all along that the principal task of the Court in this historic case was to reduce the historic consequences of its decision," Bickel said. "And I think they succeeded."

In recognizing the constitutional basis for privilege, said Norman Dorsen of New York University, the Court "planted the seeds for future controversy." Bickel worried that the Court's recognition of Jaworski's right to sue Mr. Nixon could also prove troublesome. "If the principle goes one millimeter farther," Bickel said, "it could create new areas for judicial action . . . Could [former Interior Secretary] Wally Hickel appeal to the court when he was fired? The courts, not the President, could control the executive branch." But on both issues, he conceded, the opinion was properly vague.

In its principal thrust, however, the ruling won widespread legal applause. Cox, now a Harvard professor, declared that it "gives the country assurance that no President can block an independent and thoroughgoing investigation of wrongdoing high in the White House offices by claiming the right to withhold evidence merely upon his own say-so." And while the Justices steered wide of the impeachment inquiry, many authorities felt that the decision tended to bolster the House Judiciary Committee's own subpoenas for Presidential tapes.

The ruling was rapidly translated into practice; under the agreement reached last week, the first 20 conversations were to be turned over to Judge Sirica this week, with a "target date" of Aug. 2 for yielding as many of the remaining 44 conversations as possible. The President himself, St. Clair said, wanted to have listened to all of the tapes before turning them over, and all the tapes still had to be indexed, analyzed and duplicated so that the White House could retain copies. There were still possibilities for legal collisions. But the Supreme Court's action, by wide consensus, represented the best solution to a thorny problem. As NYU's Dorsen concluded, "In terms of history, precedent and pragmatism, the decision is right."



Reading the President a lesson in civics: With counsel looking on, the Court gives its decision

Freda Reiter

Verdict on Reinecke

The way California Lt. Gov. Ed Reinecke told it to the Senate Judiciary Committee two years ago, he had not informed then-Attorney General John Mitchell of ITT's $400,000 campaign pledge until September 17, 1971—six weeks *after* the big conglomerate's favorable antitrust settlement was announced. But a clutch of Reinecke's own handwritten notes introduced at his perjury trial in Washington told a different story. In one, Reinecke recalled a phone call he made to John Mitchell around May 21 apprising the A.G. of a $400,000 offer from Sheraton Hotels, an ITT subsidiary, to help secure San Diego as the site for the 1972 GOP Convention. Other notes indicated subsequent calls in June reporting on the "progress" of talks between ITT and city officials.

Reinecke acknowledged that he may have given investigators a "misleading answer" but insisted that he did not "deliberately" lie. A jury of six men and six women decided otherwise last week, however, convicting Reinecke of one count of perjury. The indictment had already forced Reinecke to drop out of the favorite's slot in the California gubernatorial race and apparently shattered his political career, but the conviction officially made him the latest Watergate victim—and raised to 35 the number of those found guilty in the Nixon Administration scandals.

Wally McNamee—Newsweek

The committee convenes: From high rhetoric to bitter wrangling, a case study in the problems of impeachment

As the Drama—and Agony—Unfolded

"We have deliberated. We have been patient. We have been fair. Now the American people, the House of Representatives and the Constitution and the whole history of our Republic demand that we make up our minds."

—Chairman Peter W. Rodino Jr.

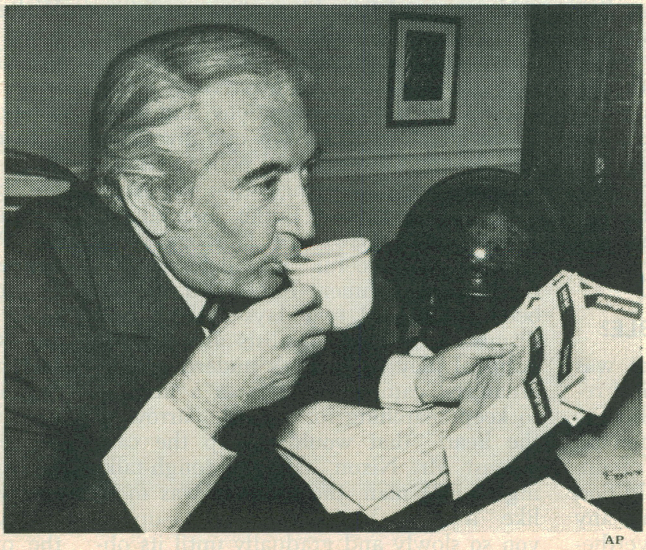
With eloquence, anguish and flashes of partisan pugnacity, the House Judiciary Committee last week undertook its historic debate on the impeachment of Richard M. Nixon. Even before the fateful decision was reached, the proceedings themselves proved noteworthy—both in style and in substance. Those who feared a Congressional burlesque full of posturing Claghorns and Throttlebottoms were impressed by the generally high level maintained by committee members in their opening statements. Even the confusion, bitter wrangling and comic bickering that cropped up later didn't so much undercut the seriousness of the occasion as demonstrate the down-to-earth difficulties faced by 38 men and women come together to pass judgment on a President.

For all that, it was sometimes hard to remember that all 38 had sat in the same room—2141 of the Rayburn House Office Building—for the past seven months. They disagreed on the sufficiency of the evidence presented to them, its relevance to the charges against the President and the impact of impeachment on the nation. Even the majority of Democrats and Republicans who agreed from the outset that Mr. Nixon should be impeached took separate tacks in defending their positions—variously stressing the abuse of Federal agencies, the approval of hush-money payments to Watergate defendants, or the broad pattern of the cover-up plan. Moreover, the proponents of impeachment found themselves in frustrated disarray when Republican opponents mounted a dogged attack on the lack of "specificity" in their proposed articles of impeachment.

AN EXERCISE IN JUSTIFICATION

In a long day of punishing debate, the majority seemed unable to make effective use of the massive collection of evidence assembled against Mr. Nixon, fumbling in the thickets of dense fact while their opponents relentlessly demanded more. And though the pro-impeachment forces eventually recovered the initiative, they had clearly been caught unaware by a GOP attack that they should have foreseen from the final arguments of the President's counsel, James St. Clair. "All they had to do was read St. Clair's brief to see what arguments would be used," complained a committee staffer.

In the end, however, it was problematic whether the debate had much affected the final outcome. To the extent that their minds were already made up when the TV cameras came on, the Judiciary members were speaking less to each other than to their constituents back home and the nation at large. But in seeking to justify their own positions they dramatized the agony and the enormity of the impeachment process and set the stage for a series of dramatic solo performances as well. Half a dozen loyal Republicans hinted broadly—or declared outright—their willingness to vote against the President at the risk of their own political futures. And three conservative Southern Democrats followed suit. "It is a sad chapter in American history," said Republican M. Caldwell Butler of Virginia, "but I cannot condone what I have heard, I cannot excuse it and I cannot and will not stand still for it."



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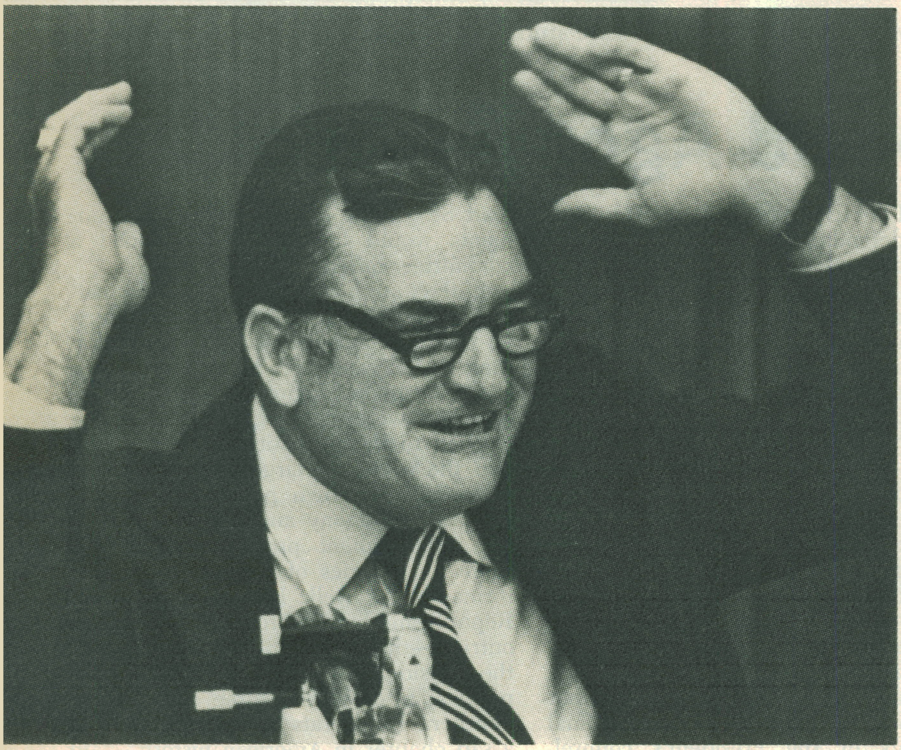
Rodino taking a break: Appeal for evenhandedness

Chairman Peter Rodino, the raspy-voiced Democrat from Newark, N.J., got the proceedings under way with an appeal for evenhanded statesmanship. The key question, he said, was "whether in fact Richard M. Nixon, in violation of the sacred obligation of his constitutional oath, has used the power of his high office for over two years to cover up and conceal responsibility for the Watergate burglary and other activities of a similar nature." And "whatever we now decide," he said, "we must have the integrity and the decency, the will and the courage to decide rightly. Let us leave the Constitution as unim-

paired for our children as our predecessors left it for us." Michigan's Edward Hutchinson, the ranking Republican, followed up with a notion shared by many of his GOP colleagues—that some offenses, even if proved, might simply not warrant the trauma of impeachment. Then Democrat Harold D. Donohue of Massachusetts formally submitted a set of impeachment articles—and the debate was on.

The first prime-time session—which was interrupted by two baseless bomb threats—was marked by signs that two key Republican "persuadables" were leaning strongly toward impeachment. The second-ranking Republican, Robert McClory of Illinois, took offense at those who suggested that a member of the GOP could not vote to impeach a GOP President. "That argument demeans my role here," said McClory. "I see that line as leading to Republican Party disaster." And while he found insufficient evidence to support charges of cover-up or obstruction of justice, McClory wondered if the President had not abused his power in permitting burglaries, buggings, destruction of evidence and misuse of government agencies—as well as failing to comply with committee subpoenas. "I ask myself," he said, "is this any way to run a White House, or a country?"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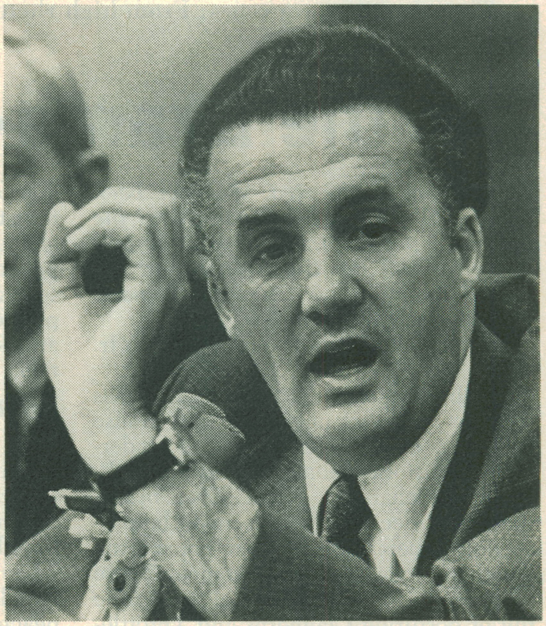

Point, counterpoint: Sandman (left) and Sarbanes in heated debate on 'specificity'

WAS TRUTH ITSELF NEGOTIABLE?

Thomas F. Railsback of Illinois was even more anguished in his opening remarks, and considerably less polished as a result of riding herd all afternoon on the drafting of substitute articles of impeachment. Railsback said he would find it difficult to consider impeaching any President, even a Democrat. Nevertheless he was disturbed by abuse of power at the White House—"If there is anything that is going to affect adversely our democracy, our individual freedoms, it is a misuse of a sensitive agency like the IRS or the FBI or the CIA"—and the President's apparent involvement in Watergate cover-up activities, which he rattled off at stupefying speed. Missouri Democrat William L. Hungate, on the other hand, had no hesitation in calling for Mr. Nixon's ouster, if only on the basis of the edited White House transcripts. "The evidence against Mr. Nixon is in his own words," Hungate said.

Next day, the drama intensified, with the statements of five more GOP persuadables and the three Southern Democrats. Virginia's Butler, a mild-mannered Nixon loyalist over the past two years (with a 75 per cent pro-Administration voting record), grew irate. It was, he said, a special Republican "responsibility to do what we can to clear . . . up" the misconduct connected with Watergate and especially that of Mr. Nixon. "The pattern of misrepresentations and half-truths that emerges from our investigation reveals a Presidential policy cynically based on the premise that the truth itself is negotiable," Butler maintained.

Maryland's Lawrence J. Hogan was even more forceful. His defection to the pro-impeachment forces had already been announced two days earlier (and dismissed by GOP loyalists as merely a political ploy in Hogan's underdog gubernatorial campaign). It was a mistake to keep searching for a single "arrow to the heart" that would tie up the case against Mr. Nixon, said the tough-talking ex-FBI man; the problem was more like "a virus that is—that creeps up on you so slowly and gradually until its obviousness is so overwhelming . . ."

Maine's Rep. William S. Cohen, one of the most outspoken GOP swing votes in recent weeks, also confirmed his pro-impeachment leanings—"If we are to have confidence in the concept of even-handed treatment under the law," Cohen said, "then we simply cannot condone this kind of conduct"—and both Hamilton Fish Jr. of New York and Harold V. Froehlich of Wisconsin hinted that they, too, might well be won over. Froehlich was especially disturbed at the White House argument that Mr. Nixon, "a man concerned with detail . . . the salad at the banquet table," had not demanded or received a clear picture of the situation soon after the Watergate arrests.

Among the most eloquent speakers leaning to impeachment were three Southern Democrats whose constituents have solidly backed the President. Rep. Walter Flowers of Alabama, who finished writing his remarks only ten minutes before his turn came, anguished over evidence of White House interference with the IRS—especially in the case of Alabama Gov. George Wallace. Rep. Ray Thornton of Arkansas said he had begun with the hope that it would not be necessary to bring charges against the President, but now found the evidence warranted impeachment. "To find otherwise," he said, "would effectively repeal the right of this body to act as a check on the abuses which we feel have existed." And Rep. James R. Mann of South Carolina stressed that the President was still withholding key evidence in the case. "I am starving for it," he complained. "But I will do the best I can with what I have got."

Beyond such personal declarations, the opening stage of debate also spotlighted serious concerns over the pros-

After going 212 m.p.h., he's not about to smoke a boring cigarette.

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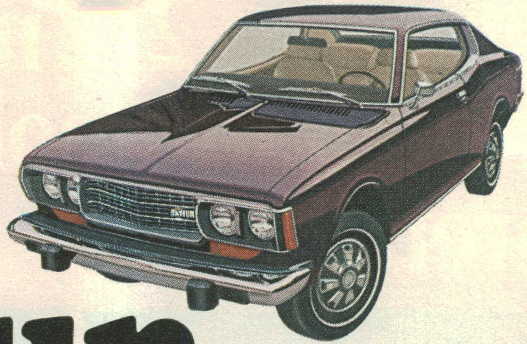

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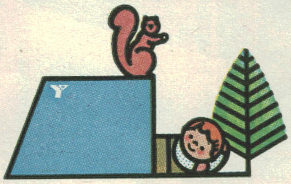

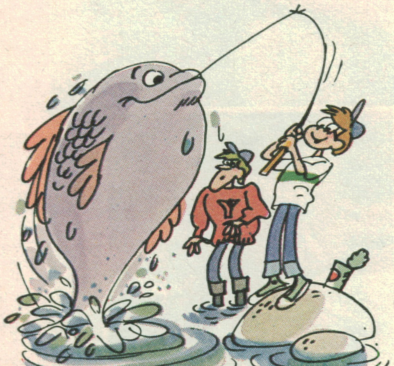

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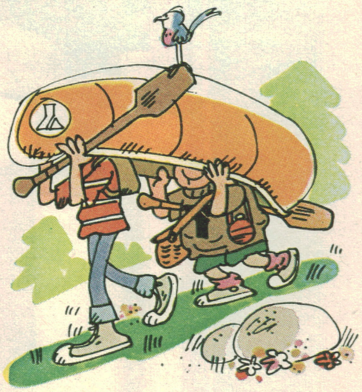

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pect of impeachment. Republican Delbert L. Latta of Ohio worried that the impeachment of Mr. Nixon could become a "precedent which could have a far greater impact on this country's future than any mortal man can foresee." And David W. Dennis, his GOP colleague from Indiana, warned further that it would "tear asunder the Republican Party for many years to come and this is bad for the country."

Others, however, feared what might happen if the committee backed away from the impeachment process in the face of overwhelming evidence. Mr. Nixon, said Pennsylvania Democrat Joshua Eilberg, "must be impeached and convicted by the Senate if we are to remain a free, courageous and independent people." Utah Democrat Wayne Owens warned that to retreat from impeachment "will increase public despair and especially disillusion among the young . . . conduct as harmful to the Republic as that . . . of the President." Jack Brooks, the leathery Texas Democrat, concluded: "This is not a pleasant duty . . . But we, as well as the President, are on trial for how faithfully we fulfill our constitutional duty."

Some of the Judiciary members relied on history to support their positions, pro and con. Republican Wiley Mayne of Iowa, for example, argued that it was unfair that Mr. Nixon be subjected to investigations far exceeding any ever focused on previous Presidents—particularly Lyndon B. Johnson, who became a millionaire during his career in public life. But in the opposite cause, Democrat Barbara Jordan of Texas paged back even further, quoting James Madison's belief in the impeachability of a President "if [he] be connected in any suspicious manner with any person and there be grounds to believe that he will shelter him." Then she recounted Mr. Nixon's role in the payments to Watergate defendants and the coaching of witnesses.

BATTLE OVER THE EVIDENCE

The major area of disagreement, however, was the massive body of evidence before the committee and the manner in which it was gathered. Here the pointman in the President's behalf was California Republican Charles E. Wiggins, widely respected as among the panel's best trial lawyers—and clearly determined to find his tactics in the terminology of criminal law. "The law requires that we decide the case on the evidence," Wiggins said gravely. "On the evidence . . . as distinguished from the material . . . available before this committee—38 books of material. My guess [is] . . . you could put all the admissible evidence in half of one book."

Dennis, too, stressed that the need for more solid evidence would become critical when the House presented its case to the Senate. "At that point, hearsay will not do; inference upon inference will not do," Dennis said. "Someone will have to present this case in the cold light of a judicial day, and unless a legally provable case is clearly there, we ought not to attempt it." Mississippi Republican Trent Lott complained that until Sam Garrison replaced Albert Jenner as chief minority counsel a fortnight ago, the panel's Republicans had never been fully represented. And New Jersey Republican Charles W. Sandman Jr. stressed the failure to hear what he considered key witnesses—particularly Watergate conspirator E. Howard Hunt.

For Joseph J. Maraziti, another New Jersey Republican, much of the evidence came down to the President's word against that of former White House counsel John Dean. "I have no difficulty in that regard," said Maraziti, a Nixon loyalist. Latta, too, noted that of the nine witnesses actually called before the committee, only Dean testified to discussing acts of wrongdoing with the President. "If the committee decides to recommend impeachment of the President based on the wrongdoing of others, the evidence is here," said the Ohio Republican. "If the committee decides to recommend impeachment based on direct evidence of Presidential involvement in wrongdoing, the evidence is not here. The case is that simple."

Wally McNamee—Newsweek

Swing votes: Railsback caucuses with Butler (lower left) and Cohen

The impeachment backers maintained that the evidence in hand was solid and persuasive, even if circumstantial. Ohio Democrat John F. Seiberling Jr. noted that his 25 years as a lawyer included numerous antitrust cases—and that in many of them convictions had been based almost entirely on circumstantial evidence. "I know of corporate executives who have pled guilty and in some cases have gone to jail when there was only a small fraction of the evidence of their complicity that is before us in this case," he said. And Cohen of Maine underscored the point. "Conspiracies are not born in the sunlight of direct observation," he declared. "They are hatched in dark recesses, amid whispers and code words and verbal signals, and many times the footprints of guilt must be traced with a searchlight of probability, of common experience."

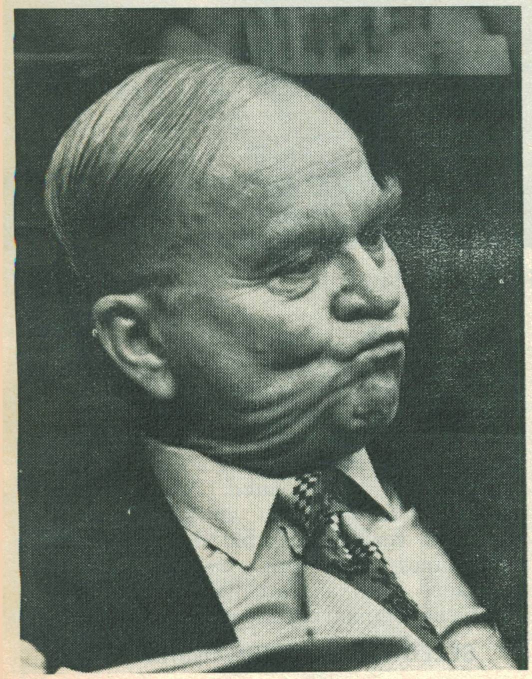
SELECTIVE QUOTESMANSHIP

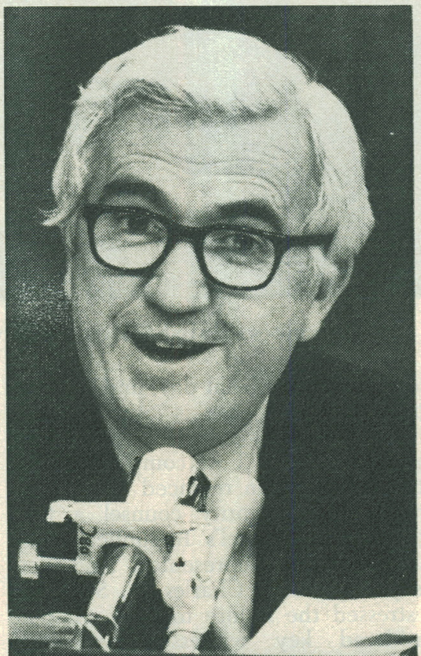
Cohen also caught Wiggins in a highly selective use of quotations from the Presidential transcripts. In deriding the charge that the President had abused the Internal Revenue Service for political purposes, Wiggins had quoted the President telling John Dean little more than "Yeah, yeah, yeah." But as Cohen correctly noted, Mr. Nixon actually urged Dean on Sept. 15, 1972, to take "the most comprehensive notes on all of those who tried to do us in, because they didn't have to do it . . . and they are going to get it, right?" Cohen said he hoped his colleagues would not "pick and choose quotes and passages which will support a particular position."

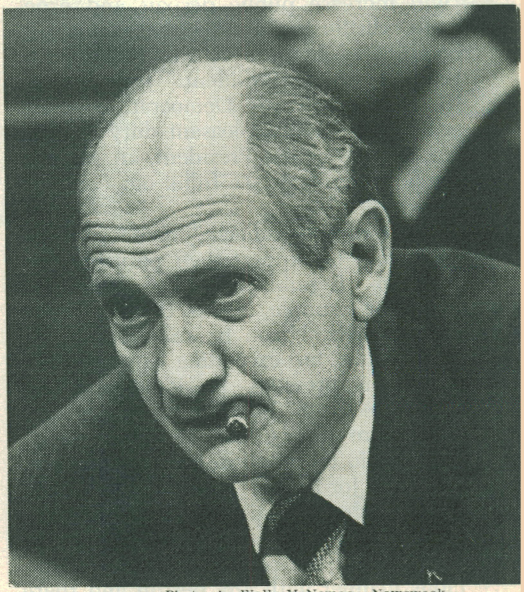
The night before, Sandman had brandished a copy of NEWSWEEK's July 22 issue, arguing that the quotation on its cover—"I want you all to stonewall it, plead the Fifth Amendment, cover-up or anything else . . ."—was only half of the key passage attributed to Mr. Nixon on a White House tape. But California Democrat Jerome Waldie charged that Sandman was himself omitting the con-

text of the omitted portion of the quotation: "On the other hand, uh, uh, I would prefer . . . that you do it the other way." That probably meant, Waldie said, "a plan for Mitchell to come forth and take all the blame and thereby get the President and his men off the hook." But leaving that aside, he added, what had actually happened? "Did they come forth? . . . Did they tell all? Or did they stonewall it? Did they cover it up?"

In rebutting the charge of obstruction of justice, the President's supporters several times quoted Mr. Nixon's taped instructions to Dean to "tell the truth." But Maryland Democrat Paul S. Sarbanes zeroed in on the evidence that showed Mr. Nixon ignoring his pledge of secrecy to Assistant Attorney General Henry E. Petersen and passing along grand-jury information from him to help other potential witnesses and defendants. "And common sense tells you," added California Democrat Jerome R. Waldie, another soft-spoken liberal, "that a President of the United States does not condone the payment of over $400,000 to seven people occupying a D.C. jail cell because they have committed a burglary unless he wants something from them. That is not compassion . . . that was cover-up."


Danielson: Due process exalted


Hungate: Criticism derided


Photos by Wally McNamee—Newsweek

Brooks: The committee itself on trial

THE DOGFIGHT BEGINS

Only three members devoted much attention to Mr. Nixon's secret bombing of Cambodia, one of the initial charges against the President but one that eventually lost most of its support. Indeed, some suspected, it was the very unlikelihood of its inclusion that prompted retiring New York Republican Henry P. Smith III to suggest that while he couldn't support other impeachment charges, the bombing and its cover-up still troubled him. More predictable was the stress laid on the bombing by outspoken liberals John Conyers Jr. of Michigan and Father Robert F. Drinan of Massachusetts. "We see in this series of events," Drinan complained, "the same abuse of power and the same techniques of cover-up employed by the President and his associates in the aftermath of Watergate." Iowa Democrat Edward Mezvinsky raised an even lonelier objection to Mr. Nixon's tax irregularities, which he said were the most easily understandable examples of the way the President had abused his power and undermined the rule of law.

The proceedings took on a notably tougher tone on Friday, first in a debate over giving the President more time to turn over subpoenaed tapes—the proposal was decisively rejected—and then in the time-devouring dogfight on the elusive issue of "specificity." Again it was Wiggins who took the lead, demanding the details that would support the broad language in the amended first article of impeachment that had been offered by Maryland's Sarbanes. And the rest of the Nixon defenders quickly joined the fray, complaining that the President had not been given a clear statement of the charges that he must defend himself against. "You can not just tear the Constitution up and throw it away," Dennis shouted. But it was the fiercely grinning Sandman who most carried the fight. "Even a parking ticket has to be specific," he said at one point, "has to have the date of the violation . . ."

Stunned at first by the sharp attack, the pro-impeachment forces seemed to flounder in their countermoves before the cameras. Sarbanes, with the backing of committee counsels John Doar and Albert Jenner, maintained that the article was technically more specific than necessary. "Due process has not merely been observed here, it has been exalted," said Democrat George F. Danielson of California. "Anyone who is in charge of the complicated business of this nation certainly would be able to understand the intendments of this proposed article of impeachment." It was hours before Democrats like New York's Elizabeth Holtzman labeled specificity a "phony issue."

FORMULA FOR A FINAL VOTE

Waldie began the counteroffensive with the serial recounting of the broad mosaic of evidence, in three-minute segments yielded to him by his colleagues ("Waldie's Bedtime Story," some called it). And Hungate made a final attempt to deride criticism of the evidence as imprecise and inferential. "If a guy brought an elephant through that door," he drawled, "some of the doubters would say: 'You know, that's an inference. That could be a mouse with a glandular condition'."

By Saturday morning, the Republican loyalists had decided that their ploy was getting top-heavy and signaled that they were ready to move to a final vote on the first article. But the majority insisted on running out the string, moving to strike each paragraph of the article in order to read out crisp recitations of the supporting evidence. It was a long and relatively low-key day, with parliamentary maneuvering interspersed with flashes of partisan rancor and periodic votes on the amendments. But with the climactic vote at twilight, the course was set—and the impeachment of Richard Nixon had moved one step closer to its final act.

A Sampler of the Debate

Last week's eleven-hour televised general debate on impeachment of the President turned out to be a remarkable exposition of the pros and cons of the fateful question —by turns passionate, partisan, profound and poignant. Excerpts from the great debate:

Peter W. Rodino Jr.
Democrat of New Jersey

. . . Make no mistake about it. This is a turning point whatever we decide. Our judgment is not concerned with an individual but with a system of constitutional government.

It has been the history, and the good fortune, of the United States ever since the Founding Fathers that each generation of citizens and their officials have been, within tolerable limits, faithful custodians of the Constitution and of the rule of law . . .

The Judiciary Committee has for seven months investigated whether or not the President has seriously abused [his] power . . .

We have provided a fair opportunity for the President's counsel to present the views of the President to this committee.

We have taken care to preserve the integrity of the process in which we are now engaged.

We have deliberated, we have been patient, we have been fair. Now the American people, the House of Representatives and the Constitution and the whole history of our Republic demand that we make up our minds . . .

Let us leave the Constitution as unimpaired for our children as our predecessors left it for us.

Harold D. Donohue
Democrat of Massachusetts

I move that the committee report to the House a resolution together with Articles of Impeachment impeaching Richard M. Nixon, President of the United States . . .

Robert McClory
Republican of Illinois

I've heard it said by some that they cannot understand how a Republican could vote to impeach a Republican President. Let me hasten to assert that that argument demeans my role here . . .

Preserving our Republican Party does not to my mind imply that we must preserve and justify a man in office who would deliberately and arbitrarily defy the legal processes of the Congress, nor can our party be enhanced if we as Republican members of the United States House of Representatives tolerate the flouting of our laws by a President who is constitutionally charged with seeing that the laws are faithfully executed as provided in Article 2 . . .

If the President is not personally and criminally liable because the evidence does not directly and personally implicate him, nevertheless, we may appropriately ask, has the President fulfilled his obligation to see to a faithful execution of the laws, a solemn obligation imposed by the Constitution? This obligation is above and beyond that of other citizens, all of whom are required to obey the laws.

We may ask, further, is the office of the Presidency being operated in the manner intended by the Constitution when under the guise of national security, dissatisfaction with the head of the FBI or personal animosity for enemies we experience burglaries, wiretaps, bugging, shredding and concealment of evidence, misuse of the CIA, FBI, IRS and a host of other misdeeds?

It should not be hard for my solid Midwest constituents, Republicans, Democrats and Independents alike, to see and understand what is troubling me. Believe me, it is also troubling them . . .

After receiving evidence for weeks and weeks . . . I ask myself, is this any way to run a White House, or a country?

MC CLORY: 'Some . . . cannot understand how a Republican could vote to impeach a Republican President . . . that argument demeans my role here.'

Jack Brooks
Democrat of Texas

This committee has heard evidence of governmental corruption unequaled in the history of the United States. The cover-up of crimes, obstructing the prosecution of criminals, surreptitious entries, wiretapping for political purposes, suspension of the civil liberties of every American, tax violations and personal enrichment at public expense, bribery and blackmail; flagrant misuse of the FBI, the CIA and the IRS.

Eighteen individuals have been convicted or pleaded guilty, and six have been indicted for criminal activities directly related to Mr. Nixon's reelection efforts or activities which originated within the White House.

These individuals are not obscure government officials, but include Cabinet officers, personal assistants, the closest personal advisers to Richard Nixon. Never in our 198 years have we had evidence of such rampant corruption in government . . .

We must put to rest the argument that the corruption we have witnessed in the last five years is only an extension of what has always been done. I do not share this view, or the view of those who hold that all Presidents have lied, have broken the law, have compromised the Constitution.

And if George Washington accepted bribes, it would not make bribery a virtue nor would it be grounds for overlooking such acts by his successors.

Robert W. Kastenmeier
Democrat of Wisconsin

I have concluded after careful consideration of all of the evidence that President Nixon must be impeached and removed from office . . .

[If] Mr. Nixon [were] the leader of my party, if Mr. Nixon were instead Mr. Johnson or Mr. Kennedy and had

been charged with the same offenses, could I freely and with as much certainty come to the same conclusions? I have to answer yes.

Impeachment is the one way in which the American people can say to themselves that they care enough about their institutions, their own freedom and their own claim to self-government, their national honor to purge from the Presidency anyone who has dishonored that office.

This power of impeachment is not intended to obstruct or weaken the office of the Presidency. It is intended as a final remedy against executive excess . . .

Henry P. Smith 3d
Republican of New York

. . . Except for the area of the secret bombing in Cambodia at the President's order between March 18, 1969, and May 1, 1970, where I have not yet made up my mind, I should have to vote against impeachment of the President on the state of the evidence which we have seen . . .

Charles W. Sandman Jr.
Republican of New Jersey

There are sufficient votes here for an impeachment resolution, this everyone knows—in fact there has been that many votes here for a long time. There's no use kidding anybody about that . . .

I wonder what the prosecutor in the United States Senate is going to do for witnesses. I wonder what he's going to do. He is going to plead his whole case on tapes, because he cannot use any of the witnesses we had. Because every one of them testified no act of wrongdoing on the part of the President. If you do not think so, go through the lot . . .

And I think this is why we're here. Now, maybe in the time that is remaining, someone, somehow, will point out the fact that I'm only human and I'm not infallible. Maybe I overlooked something. Maybe there is a tie-in with the President.

All right. There's 37 of you. Give me that information. Give it to 220 million Americans, because up to this moment, you have not.

Don Edwards
Democrat of California

. . . Both Mr. St. Clair and Mr. Garrison insist that the only basis for this impeachment inquiry rests on whether or not the President was by intent a participant in the Watergate cover-up. These two fine lawyers should get high ranks from the President for their efforts to limit the scope of this inquiry and certainly our job would be much easier if we could accept this thesis. Unfortunately for the President's defense, this is not the case. And the thousands upon thousands of pieces of evidence that we have reviewed in these past weeks etch a much broader picture; indeed, a Presidential course of constitutional misbehavior and abuse of power commencing only a few months after he was inaugurated for the second time and continuing until the present.

Mr. Nixon is a fellow Californian; he was a candidate for the Senate in 1950 and I was a supporter of his in 1950 . . .

But I do believe—and this is the way I'm going to vote—that the President has consciously and intentionally engaged in serious misdeeds, that he has corrupted and subverted our political and government processes to the extent that he should be impeached, and the matter sent over to our sister body, the Senate, for trial to determine whether he is innocent or guilty.

SANDMAN: 'Maybe I overlooked something. Maybe there is a tie-in with the President . . . Give me that . . . Give it to 220 million Americans . . .'

Tom F. Railsback
Republican of Illinois

I will say unequivocally that I don't think a case has been made on the issue of the bribery charges on ITT, the bribery charges on the dairymen.

But I do have some problems that I want to share with my colleagues . . .

Let me just tell you a little bit about Watergate, what concerns me about the Watergate cover-up. On Aug. 29, the President held a news conference where he stated that he had had the Department of Justice, the FBI and I think it was the GAO, and he referred to the Banking and Currency Committee and he said that he had directed his own counsel, John Dean, to investigate the Watergate to determine if there was any White House involvement.

The truth of the matter is, as far as we know it anyway, the evidence, John Dean had never reported to him, had never been with the President. The White House logs show that. John Dean's testimony is to the effect that he didn't even know about such a report until the President's press conference . . .

On Sept. 15 the President finally did meet John Dean. On the 15th the President, after talking to Haldeman, congratulated him for plugging leaks and talked about containment and something to the effect of cutting losses or buttoning it up or something like that.

Then you go into the next period, March 21. Let me say that I don't think the President directed the payment of hush money, and I don't think we can make that allegation. But let me tell you what happened.

The President on March 20 ordered John Dean—things were beginning to get a little hot—the President on March 20 ordered John Dean to conduct a report, another report, this is the second Dean report . . .

The next morning John Dean advised the President that Ehrlichman was implicated, that Haldeman was implicated, that Magruder and Porter had perjured themselves, that John Dean himself was implicated.

What did the President do at that point?

Well that afternoon, I won't say what he said about the hush money. They talked about the million dollars, they talked about the $120,000—"it's important that we get that right away, isn't it?" John Dean says it's important that we send a signal anyway. So the President said, "well for Christ's sake get it . . ."

I just—I just am very, very concerned. Let me just say one thing in the remaining minute. Some of my friends from Illinois—I received all kinds of mail. Some of my people say that the country cannot afford, that we cannot afford, to impeach a President. Let me say to—many of these are good supporters and friends—let me say to them I've spoken to countless others including many, many young people and if the young people in this country think we are going to not handle this thing fairly, if we're not going to really try to get to the truth, you're going to see the most frustrated people, the most turned-off people, the most disillusioned people, and it's going to make the period of LBJ in 1968-1967—it's going to make

it look tame. So I hope that we just keep our eyes on trying to get to the truth.

William L. Hungate
Democrat of Missouri

. . . Refusal to impeach would be a decision as momentous as impeachment itself . . .

It would alter the historic relationship of Presidential power to the constitutional system of accountability for the use of that power. Our message to posterity would be that Mr. Nixon had conceived and established a new conception of Presidential accountability and his successors can expect to inherit Nixon's conception of inherent Presidential authority and wield the unshared power with which he will have endowed the Presidency.

Failure to impeach would be a vindication of a new theory of Presidential nonaccountability . . .

The evidence against Mr. Nixon is in his own words—made public at his own direction—there can no longer be a charge he was railroaded out of office by vengeful Democrats or a hostile press.

Charles E. Wiggins
Republican of California

I cannot express adequately the depth of my feeling that this case must be decided according to the law, and on no other basis . . . If we were, ladies and gentlemen, to decide this case on any other basis than the law, and the evidence applicable thereto, it occurs to me, my colleagues, that we would be doing a greater violence to the Constitution than any misconduct alleged to Richard Nixon . . .

I count myself as a friend of the President and I am proud of that friendship and I cherish it, but that friendship is not going to deter me one whit from doing what is right in this case . . .

It must trouble you, Mr. Doar, I am sure . . . to consider the evidence as distinguished from the material which we have made—been made available before this committee. Thirty-eight books of material. My guess, Mr. Doar, you can put all of the admissible evidence in half of one book. Most of this is just material. It is not evidence and it may never surface in the Senate because it is not admissible evidence.

Simple theories, of course, are inadequate. That is not evidence. A supposition, however persuasive, is not evidence. A bare possibility that something might have happened is not evidence.

John Conyers Jr.
Democrat of Michigan

. . . We sit here not because we want to but because we have to . . . because for the first time in the history of this country, millions of citizens are genuinely afraid that they may have in office a person who might entertain the notion of taking over the government of this country . . .

It is imperative, then, that we not only impeach the President but make it as clear to as many of our citizens as we can why this impeachment is so necessary . . .

FISH: 'It is suggested that we as politicians are all too tainted with corruption or moral imperfection to decide on the sins of Watergate.'

David W. Dennis
Republican of Indiana

Impeachment is radical surgery on the tip of the cancer which needs therapy at the roots.

I am as shocked as anyone by the misdeeds of Watergate. Richard Nixon has much to answer for, and he has even more to answer for to me as a conservative Republican than he does to my liberal friends on the other side of the aisle. But I join in no political lynching where hard proof fails as to this President or to any other President . . .

Hamilton Fish Jr.
Republican of New York

. . . The question is raised by many: Is anyone virtuous enough to decide the weighty issue before us? It is suggested that we as politicians are all too tainted with corruption or moral imperfection to decide on the sins of Watergate. Carried further, it is suggested that we are all really guilty, that civic unrighteousness is collective.

If I were to accept this thesis, that my colleagues can no longer separate our sins from those of others, we are no longer capable of making any worthwhile judgments whatsoever . . .

Jerome R. Waldie
Democrat of California

. . . Has there been one iota of evidence, one shred of evidence, exonerating and exculpatory in its effect, introduced on behalf of the President by the President or anyone else . . .? There has not been an iota of evidence. The President has had it within his power, if such evidence exists, to bring it forth and to exonerate him from these charges and to exonerate the nation from the anguish he has pushed us into, and that we still labor under. But he has not done so . . . There is a mountain of evidence showing that the President has acted to obstruct justice . . .

Walter Flowers
Democrat of Alabama

. . . What if we fail to impeach? Do we ingrain forever in the fabric of our Constitution a standard of conduct in our highest office that in the least is deplorable and at worst is impeachable? . . .

If the trust of the people and in the world of the man, or men, or women to whom they have given their highest honor, or any public trust, is betrayed, if the people cannot know that their President is candid and truthful with them, then I say the very basis of government is undermined . . .

James R. Mann
Democrat of South Carolina

. . . How much I would have liked to have had all of the evidence . . . How much I would have liked to have heard on the transcripts, let's do it because it is good for our country . . .

The President has the evidence. . . . I am starving for it, but I will do the best I can with what I have got.

Lawrence J. Hogan
Republican of Maryland

It is not easy for me to align myself against the President, to whom I gave my enthusiastic support in three Presidential campaigns . . . But it is impossible for me to condone or ignore the long train of abuses to which he has subjected the Presidency and the people of this country . . .

LOTT: 'Could any man withstand such scrutiny? Could any man go through all of this without . . . revealing some mistakes? I submit no.'

I submit to you that what we are looking for is an arrow to the heart and we do not find in the evidence an arrow to the heart. We find a virus that is—that creeps up on you slowly and gradually until its obviousness is so overwhelming to you.

Now [Sandman] has asked for direct proof. I think it is a mistake . . . It is like looking at a mosaic and going down and focusing in on one single tile in the mosaic and saying I see nothing wrong in that one little piece . . . When you look at the whole mosa*ic* of the evidence that has come before us, to me it is overwhelming beyond a reasonable doubt.

M. Caldwell Butler
Republican of Virginia

For years we Republicans have campaigned against corruption and misconduct in the administration of the government of the United States by the other party.

And somehow or other we have found the circumstances to bring that issue before the American people in every national campaign.

But Watergate is our shame. Those things happened in the Republican Administration while we had a Republican in the White House and every single person convicted to date has one way or the other owed allegiance to the Republican Party.

We cannot indulge ourselves the luxury of patronizing or excusing the misconduct of our own people. These things have happened in our house. And it is our responsibility to do what we can to clear it up . . .

William S. Cohen
Republican of Maine

The future of America is not dependent upon the success or survival of any one man in public office. And if we believe that the President and the office of the President are one, then the President's failings become our undoing. I think that no one man should be able to bind up our destiny, our perpetuation, our success with the chains of his personal destiny . . .

It has been said that impeachment proceedings will tear this country apart . . . I think what would tear the country apart would be to turn our backs on the facts and our responsibilities to ascertain them . . .

I've wondered so many times to myself—last night in preparing what I might say to you, I was reading through the Federalist Papers and I thought, "How in the world did we ever get from the Federalist Papers to the edited transcripts?"

Trent Lott
Republican of Mississippi

. . . Could any man withstand such scrutiny? Could any man go through all of this without some evidence of a questionable statement under pressure or while frustrated or even without revealing some mistakes? I submit no.

And where was the similar counterbalancing presentation of the other side of the story? Was the whole picture revealed properly? Was it in the Senate Watergate committee? No. Was it in the grand jury or even in this committee? . . .

There was not a staff structure for a balanced presentation, in my opinion . . .

John F. Seiberling
Democrat of Ohio

. . . The pattern of conduct revealed by the acts of President Nixon and his associates is unmistakable. [He] was obsessed with the preservation and extension of his own personal power. In the name of protecting his associates and himself, President Nixon was willing to use the powers of the government to destroy anything which he considered an actual or potential threat to his power . . .

Harold V. Froehlich
Republican of Wisconsin

. . . I must confess that I am deeply pained and troubled by some of the things I see.

I am concerned about obstruction of justice . . .

The President is shown to be a man concerned with detail, a man concerned with the salad at the banquet table, a man concerned with the pictures on the wall at the banquet. A man who knew that Howard Hunt had possible connections with the White House.

Yet a man [who] we are asked to believe did not demand or receive a clear and true picture of the real situation by June 30, 1972. A man who talks on June 30 about the risk of something coming out and about cutting the loss fast . . .

Yes I am concerned about the missing tapes, the undelivered tapes, the gaps in the tapes.

I am concerned about impeaching my President for his actions. My decision awaits final wording of the articles and the remaining debates.

Robert F. Drinan
Democrat of Massachusetts

. . . There has been no shortage of lawless acts on which to focus in this inquiry, but only history will discover why the greatest deception and possibly the most impeachable offense of Richard Nixon may not become a charge against him.

I speak of the concealment of the clandestine war in Cambodia . . .

There was, in my judgment, no justification for maintaining secrecy about that war . . . Prince Sihanouk knew; the Cambodians knew; the North Vietnamese knew; everyone knew except the people of America and this information was withheld from them until it happened to come out.

Carlos J. Moorhead
Republican of California

. . . When I consider how I am going to vote . . . I have to kind of look to see what kind of a man I think Richard Nixon is and to see who I believe in these proceedings. I have to be sure that the testimony that's been offered has a strong enough probative value to convince me that he had been guilty of a major crime against this country.

In each instance as we get back down to the final point, there is a big moat that you have to jump across to get the President involved, and I cannot jump over that moat.

Charles B. Rangel
Democrat of New York

Some say this is a sad day in America's history.

I think it could perhaps be one of our brightest days . . . what I think it means to most Americans is that when this or any other President violates his sacred oath of office the people are not left helpless . . .

Joseph J. Maraziti
Republican of New Jersey

. . . We must present to the United States Senate . . . not suspicion—not theory—not probable cause—but hard evidence to establish the guilt of the President . . . We have mountains of hearsay and innuendos and *ex parte* evidence, and we even have newspaper clippings, newspaper clippings as part of our evidence, on which we are asked to make a judgment . . .

There is no evidence that the President planned the break-in. In regard to the charge that the President participated in the cover-up . . . if I have to choose between Mr. Dean and the President as to who is telling the truth, I have no difficulty in that regard.

Barbara Jordan
Democrat of Texas

When the Constitution was completed . . . in 1787, I was not included in . . . 'We, the people . . .'

Today I am an inquisitor, and I believe it would not be fictional and would not overstate the solemness that I feel right now.

My faith in the Constitution is whole, it is complete, it is total, and I am not going to sit here and be an idle spectator to the diminution, the subversion, the destruction of the Constitution . . .

The framers confided in the Congress the power if need be to remove . . . a President swollen with power and grown tyrannical . . .

If the impeachment provision in the Constitution of the United States will not reach the offenses charged here, then perhaps that eighteenth-century Constitution should be abandoned to a twentieth-century paper shredder.

Delbert L. Latta
Republican of Ohio

. . . We can be setting in motion the establishment of a precedent which could have a far greater impact on this country's future than any mortal man can foresee . . .

Wouldn't the mere thought of impeachment by an opposition Congress cause future Presidents to tailor their acts to the wishes of the Congress, thereby weakening the office of the Presidency? . . .

I have said before and I say now, show me the hard evidence that the President of the United States is guilty of the many serious charges being leveled against him, and I will show you a vote for impeachment [but] to impeach there must be direct Presidential involvement, and the evidence thus far has failed to produce it.

Ray Thornton
Democrat of Arkansas

. . . I have reached the firm conviction that President Richard Nixon has violated his oath of office by abuse of power and by obstruction of justice; that these offenses constitute high crimes and misdemeanors requiring trial on these charges before the Senate.

In my view, to find otherwise would effectively repeal the right of this body to act as a check on the abuses which we feel have existed.

Elizabeth Holtzman
Democrat of New York

I am overwhelmed by the stark contrast this presents to the President's words and actions. Nowhere in the thousands of pages of evidence presented to this committee does the President ask: What does the Constitution say? What are the limits of my power? What does my oath of office require of me? What is the right thing to do?

In fact, those thousands of pages bring to light things that I never even dreamed of when this proceeding began. Wherever we looked in this inquiry we found Presidential conduct that was sorry and disgraceful . . .

What we have seen is a seamless web of misconduct so serious that it leaves me shaken . . .

Edward Mezvinsky
Democrat of Iowa

. . . My parents were immigrants who were genuinely inspired by America and they compared it to their homeland of czarist Russia and turn-of-the-century Poland.

I grew up in Iowa with a great admiration for our Presidents, whether they be Republican or Democrat. And I found it personally very unsettling to be faced with the harsh evidence that Richard Nixon has abused the Presidency; but the committee must face the evidence—and that's what it is—it is the evidence.

And to do otherwise would be a grave dereliction of our duty.

Edward Hutchinson
Republican of Michigan

I have listened attentively to those of my colleagues, and learned men and women all, who have argued with great intellect in favor of the impeachment of the President. I remain unconvinced by their arguments. I believe their case is weak . . .

As the trust is placed in Congress to safeguard the liberties of the people through the awesome and extraordinary powers to remove a President, so must Congress's vigilance be fierce in seeing that the trust is not abused . . .

Not only do I not believe that any crimes by the President have been proved beyond a reasonable doubt, but I do not think the proof even approaches the lesser standards of proof which some of my colleagues, I believe, have injudiciously suggested we apply.

Peter W. Rodino Jr.
Democrat of New Jersey

I have revered all Presidents and I have searched within my heart and my conscience and searched out the facts, and when I test the facts I find that the President of the United States . . . must be found wanting. And so tomorrow I shall urge, along with others, the adoption of articles of impeachment. I shall do so with a heavy heart because no man seeks to accuse or to find wanting the Chief Executive of this great country of ours.

But we have had our responsibility to meet, and as many of us have said . . . this has not been a responsibility that we sought, but it has been one imposed upon us and I hope, and trust and pray, that what we do will for all time be that which has been right so that our country may survive not alone this test, but tests for all time.

MARAZITI: 'If I have to choose between Mr. Dean and the President as to who is telling the truth, I have no difficulty in that regard.'

More About Those Taxes

And still the evidence trickled out. In the thick of its debate over articles of impeachment last week, the House Judiciary Committee released its 23rd book of evidence—a 552-page report on the President's massive tax deductions on his gift of pre-Presidential papers to the National Archives. The book contained no startling new disclosures, and it failed to prove that Mr. Nixon was willfully evading taxes when he signed his 1969 income-tax return. But it did present an agglomeration of missing and backdated deeds, contradictions, memory lapses and changed testimony that, when taken together, made a strong circumstantial case for fraud by some of the President's men—and perhaps by the President himself. And the report documented that even after the IRS learned of the possibility of fraud, it continued to give favored treatment to taxpayer Richard M. Nixon.

The committee's summary harked back to December 1968 when, reportedly on the advice of Lyndon Johnson, President-elect Nixon made a tax-deductible gift to the Archives of some personal papers, which were appraised by consultant Ralph Newman—who was also Johnson's appraiser—at $80,000. In early 1969, a memo from John Ehrlichman, then-White House counsel, indicates Mr. Nixon first intended to give a second batch of papers in order to round out a tax deduction for donations totaling 30 per cent of that year's income, the maximum allowed.

'I THOUGHT HE'D BLOWN IT'

It was only at the casual suggestion of Archives officials, as one later testified, that Nixon aide Edward L. Morgan oversaw the removal of a large mass of Mr. Nixon's Vice Presidential papers from the executive office buildings to the Archives, on March 26-27, 1969, for inventory and safekeeping. Newman first testified that on April 8, 1969, at the request of Nixon tax attorney Frank DeMarco, he made a preliminary appraisal of the papers. But when an Archives official contradicted that account, Newman conceded that he had not inspected the second batch of papers until November 1969, when he put the total value at $2 million. When he encountered the President at a White House prayer breakfast later that month, Newman testified, he asked Mr. Nixon whether he'd seen the figure. The President threw his arms into the air and said, "I don't believe it!" Newman said he replied, "You better believe it. It was a conservative estimate."

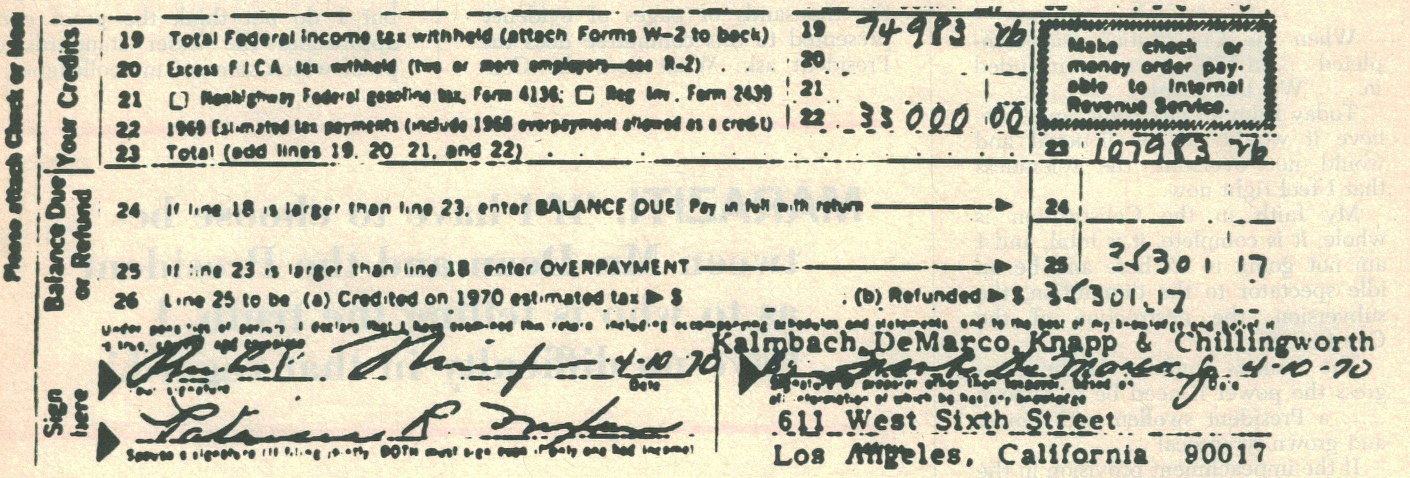
The effort seemed academic on Dec. 22, 1969, when Congress voted to eliminate charitable deductions for personal papers—and made the law retroactive to July 25, apparently ruling out any new gift by the President. "I thought he'd blown it," Newman testified. But Newman said he was startled when DeMarco told him on March 27, 1970, that the President had in fact made a bulk gift one year before and that he now needed a description of donated papers that would total $500,000. Newman said he asked Mary Walton Livingston, an Archives employee, to add a few more documents to one set of papers and then, at DeMarco's instructions, wrote her affirming that the items were "designated as a gift by Richard Milhous Nixon in 1969." One week later, Mrs. Livingston testified, Newman told her that his letter was the only deed of gift that the Archives would receive, asked her to acknowledge it—and, she said, told her that it would be better for everyone, including the White House, "if all dealings on this point would stay between the two of us."

Ultimately, the gift was established by another deed that all parties concede was backdated, but testimony about this document is even more contradictory. On April 21, 1969—the day the White House says the deed was executed—Morgan, DeMarco and Herbert Kalmbach, DeMarco's law-firm partner and Mr. Nixon's personal lawyer, breakfasted together in Los Angeles. DeMarco originally testified that the deed was not executed that day, but later affirmed that Morgan did in fact sign the deed, backdated by nearly a month to March 27, 1969, *in the* firm's Newport Beach office. Morgan wasn't sure where he got the authority to act in the President's behalf, he testified, but he may have been relying on DeMarco's legal relationship with Mr. Nixon. DeMarco, for his part, said he had been counting on Morgan to bring an Archives receipt; when the White House aide failed to produce it, DeMarco testified, he typed a temporary inventory of the papers as a Schedule A to the deed, "just to have something."

A MATCHED SET

After he spoke to Newman about the appraisal on March 27, 1970, DeMarco testified, he dictated a new Schedule A to replace the temporary one of the year before. But the paper on which the new schedule was typed differed noticeably from that of the 1969 deed, DeMarco said, and so for uniformity's sake he had his secretary retype the original deed. On the morning of April 10, 1970, DeMarco testified, he visited Morgan in the Executive Office Building and had him re-execute the new deed; after an initial memory lapse, Morgan also recalled the incident. But neither DeMarco nor Morgan told Congressional and IRS investigators about the re-execution of the deed until workers at the Archives discovered, from photocopy marks on the two documents, that they could not have been made before March 27, 1970.

At noon on April 10, 1970, DeMarco and Kalmbach met with the President to go over his 1969 tax return. By his own account, DeMarco pointed first to the line showing the refund due ($35,301.17) and said, "That is the bottom line." The President said, "That's fine, that's fine." DeMarco ran through the return, pointing out "the appraisal supporting the deduction for the papers which you gave away." Mr. Nixon repeated, "That's fine." After the President signed the return, DeMarco and Kalmbach were es-


Please attach Check or Money Order here — Your Credits — Balance Due or Refund — Sign here

19 Total Federal income tax withheld (attach Forms W-2 to back) 19 74983 76
20 Excess F I C A tax withheld (two or more employers—see R-2) 20
21 Nonhighway Federal gasoline tax, Form 4136; Reg. Inv. Form 2439 21
22 1969 Estimated tax payments (include 1968 overpayment allowed as a credit) 22 33000 00
23 Total (add lines 19, 20, 21, and 22) 23 107983 76
Make check or money order payable to Internal Revenue Service.
24 If line 18 is larger than line 23, enter BALANCE DUE Pay in full with return 24
25 If line 23 is larger than line 18 enter OVERPAYMENT 25 35301 17
26 Line 25 to be (a) Credited on 1970 estimated tax $; (b) Refunded $ 35301.17
Your signature 4-10-70 Date
Spouse's signature (If filing jointly, BOTH must sign even if only one had income)
Kalmbach DeMarco Knapp & Chillingworth
Frank DeMarco Jr. 4-10-70
611 West Sixth Street
Los Angeles, California 90017

The President's 1969 tax return: Mr. Nixon looked at the bottom line and said, 'That's fine, that's fine'

corted to the family quarters to get Mrs. Nixon's signature. She signed her name, then asked the two lawyers to help her pick out one of two busts of President Eisenhower that had been presented to the White House. About two weeks later, DeMarco testified, the IRS phoned him to say the return had been approved, and a refund check was on its way.

That kind of special treatment by the IRS continued, IRS Commissioner Donald C. Alexander testified, even after widespread publicity about the President's nominal tax payments led Alexander to wonder if the agency's audits had been "in depth." On Dec. 7, 1973, shortly after he decided to re-examine Mr. Nixon's 1970-72 returns, Alexander informed the President of his decision in a letter that was hand-delivered to the White House. The following day Mr. Nixon made the best of his situation by publicly inviting the Joint Committee on Internal Revenue Taxation to examine his returns. When the committee staff sent him written questions about the returns, however, the President failed to respond—and the IRS, continuing its kid-gloves treatment, didn't go so far as to submit written questions.

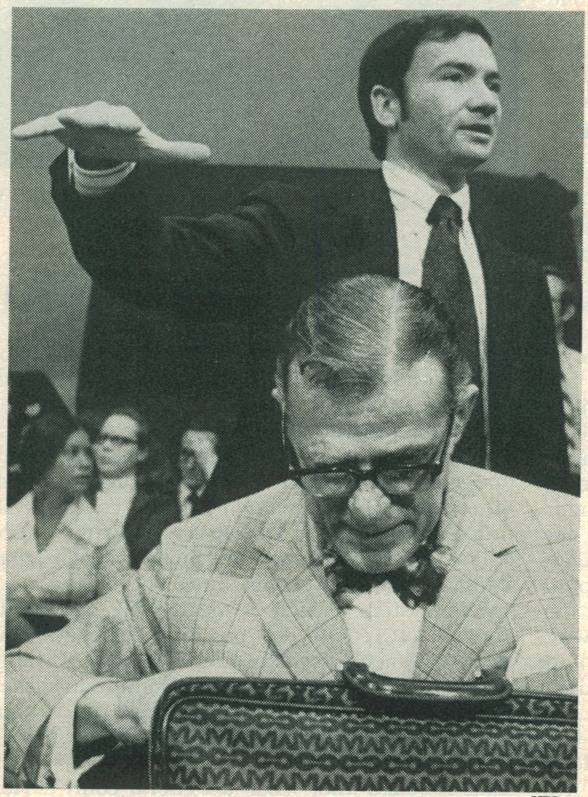
A CASE FOR THE COURTS?

The IRS investigation, meanwhile, was turning up some irregularities in the handling of the 1969 gift—and raising questions about its donor. On March 28, 1974, William N. Jackson, a supervisor in the Baltimore district office of the IRS, reported that "inconsistencies abound" in the testimony of DeMarco, Newman and Morgan, and that all had changed their stories; he added that Kalmbach and Ehrlichman might also be involved in the 1969 gift and tax return. Jackson urged that a grand jury investigate those five men, and on April 2, Alexander passed his message to special Watergate prosecutor Leon Jaworski. That same day, however, Alexander gave Mr. Nixon early warning that the IRS had disallowed the deduction for the gift—and was assessing him a 5 per cent negligence penalty.

All told, the agency had been extraordinarily accommodating to a President who has shown no corresponding generosity. Indeed, despite his promise last spring, the report indicated, Mr. Nixon has yet to pay back taxes of $148,000 for 1969, on which the statute of limitations has expired. The total weight of the circumstances surrounding the 1969 gift led Fred Folsom, a consultant to the Judiciary Committee and a former tax expert with the Justice Department, to testify that, had this been "the case of an ordinary taxpayer, on the facts as we know them in this instance, the case would be referred out for presentation to a grand jury for prosecution."

Nixon's Two Lines of Defense

A funny thing happened to Richard Nixon's defense case on the way to an impeachment vote in the House Judiciary Committee last week: it became two cases, with different arguments and even differing goals. Mr. Nixon's personal attorney, silver-haired James D. St. Clair, set out to prove not only that his client didn't deserve to be impeached, but that he remained a man of honor as well. But after the committee's Republicans ousted Albert Jenner as an insufficiently partisan minority counsel, 32-year-old Samuel A. Garrison III replaced him with a different mandate—to forestall impeachment, period. And Garrison promptly came up with a new and problematical argument: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Jenner (front), Garrison: Attacking soft spots

even if Mr. Nixon were found guilty of impeachable offenses, it might be in the national interest to keep him in office.

The crux of St. Clair's case was laid out in a 151-page brief, filed in response to majority counsel John Doar's summation a fortnight ago. In this view, the President had fulfilled his constitutional obligations, consistently tried to learn the true facts of the case, initiated his own investigation and removed trusted aides when he found them involved. In any case, St. Clair maintained, the President could be impeached only for a serious criminal offense—and Mr. Nixon had committed none. In support of that view, St. Clair devoted more than half of his brief to the Watergate break-in and cover-up—particularly to the question of "hush money" for E. Howard Hunt.

Significantly, St. Clair departed once from the standard White House position: he acknowledged that the President had heard something of the cover-up on March 13, eight days before Mr. Nixon has insisted that he first learned of it. That concession was all but unavoidable in light of the transcript of a March 13 conversation in which John Dean told the President that at least one White House aide knew about the break-in beforehand. Still, St. Clair insisted that Dean only warned the President of "potential White House involvement," and that it was not until the 21st that Mr. Nixon learned "substantially all of the details."

St. Clair also conceded a key point in Doar's summation—that H.R. (Bob) Haldeman, Mr. Nixon's closest aide, had known in advance that the re-election committee was setting up an intelligence-gathering team. But he rejected Doar's inference that Haldeman would surely have informed the President, insisting that there was no evidence that he did—and adding that there was no reason for Haldeman to believe that the team would do anything illegal.

'HUSH MONEY'

The President never authorized payments to Hunt for anything, St. Clair maintained. He acknowledged that Hunt got $75,000 from re-election committee aide Frederick LaRue, but he contended that the money was for Hunt's legal fees, not his silence—and he deduced from the evidence a plausible chain of payment that bypassed the President. Presidential discussions of the payoff that appeared in the transcripts, St. Clair argued, were only Mr. Nixon sounding out his options or playing devil's advocate. At one point, St. Clair noted, the President said: "We're going to look like we covered up. So that we can't do." In logic, the attorney maintained, "the inherent wisdom of this observation is such that an ultimately contrary decision would not be possible."

St. Clair dealt summarily with the other charges against the President. In both the milk-fund and the ITT scandals, he argued, the *evidence was* "quite clear" that Mr. Nixon had done no favors in return for pledges of hefty campaign donations. The President may not have known that his aides had lied under oath about ITT, since "the flow of condensed news to the President would not have . . . called it to his attention." Whether or not Mr. Nixon repeatedly tried to misuse the Internal Revenue Service, the fact remained that "the IRS was not misused." The seventeen wiretaps involved in the domestic-surveillance case, St. Clair maintained, were simply

not illegal. And he justified the use of the White House "plumbers" on the ground of national security. Mr. Nixon's decision to tap was not only "clearly necessary," St. Clair argued; "his failure to act would have been a dereliction of duty."

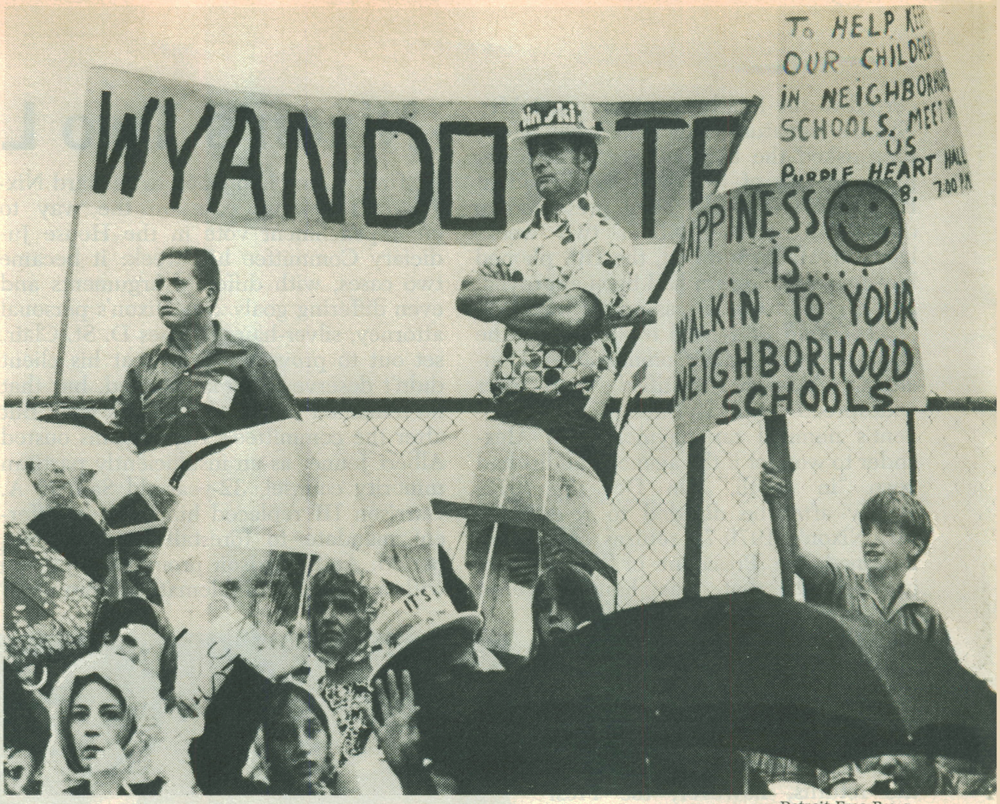
'PRUDENT PROSECUTORS'

Garrison, by contrast, was under no obligation to exonerate the President. Thrust suddenly into the spotlight by frustrated committee Republicans when Jenner openly sided with the pro-impeachment majority, the former Roanoke, Va., state's attorney was mainly concerned with attacking "soft spots" in Doar's case—the heart of which, said Garrison, was wholly circumstantial. He asked the committee not to infer that, because Mr. Nixon refused to surrender subpoenaed tapes, he must have done something wrong. And he offered an argument of engaging novelty: that Executive privilege, in an impeachment case, might be equivalent to a plea of the Fifth Amendment in criminal proceedings. He called on the congressmen to assume the role of "prudent prosecutors," withholding their vote for impeachment unless sure that the Senate would convict. To do otherwise, Garrison declared, "would be unfair to the President . . . embarrassing to the House [and] tragic to the country."

But a main thrust of Garrison's brief was his attempt to move the debate beyond weighing of evidence into "politics with a capital P"—meaning, he explained, the balancing of public interests. He did not imply that the President might be guilty. But he argued: "There is no impeachable offense for which the process of removal is mandatory." Thus, the committeemen should ask themselves not only whether the President was guilty but, if he was, "whether the best interest of the country would be served by his removal or continuance in office."

It was a bravura performance, but one tenuously grounded in law or precedent. Legal scholars scoffed at Garrison's Fifth Amendment analogy and raised serious questions about his "prudent prosecutor" notion. The duty of the House is to impeach, not convict; as Jenner warned the committee, "To the extent that you permit yourself to reach a decision that the President should be removed, you are invading the exclusive constitutional right of the Senate."

Moreover, Garrison's arguments underscored the fact that the two men were not working as a team, and might even be at odds on some key points—most notably on Garrison's theory that even if the committee finds evidence of misconduct, members should weigh the consequences before voting to impeach. Still, neither seemed eager to sort their differences. "I don't confer with the White House," said Garrison. "Mr. Garrison is entitled to his own opinion," St. Clair said brusquely. "I don't happen to agree."



Detroit Free Press

Anti-busing rally in Detroit suburb: 'We never felt we were guilty'

The Court Stops the Bus

Not since the historic *Brown v. Board of Education* Supreme Court decision of 1954 had a High Court ruling on racial integration been awaited with such a mixture of apprehension on the one side and hopeful anticipation on the other. In 1972, a Federal district court ordered the city of Detroit to draw up a "metropolitan" plan to achieve racial integration in its schools. Since the city's school system, which is nearly 70 per cent black, could not possibly achieve racial balance internally, said the judge, it must merge with 53 white suburban districts outside the city limits, and pupils must be bused across school district lines. Suburban parents and school officials rebelled and, when a Federal court of appeals upheld the busing mandate, took their case to the Supreme Court.

Last week, the Supreme Court handed down its ruling. By a majority of 5 to 4, the Justices found that busing across school district lines in Detroit is improper, and that the lower courts had exceeded their authority in ordering the establishment of a "super school system." Though the Court was at some pains to make clear that it was not reversing earlier decisions that had furthered the goal of school integration, the Detroit ruling was perhaps the clearest signal yet that there are limits beyond which the state cannot go to achieve this goal—and the impact of the decision was bound to be felt nationwide.

For the majority, Chief Justice Warren Burger argued that illegal segregation had indeed been proved to exist in Detroit's inner-city schools, but that the suburbs should not be held responsible and cannot be forced to participate in the desegregation plan. Wrote Burger in the 33-page majority opinion: "Disparate treatment of white and Negro students occurred within the Detroit school system, and not elsewhere, and on this record the remedy must be limited to that system."

Logistics: Burger, joined by Justices Potter Stewart, Harry Blackmun, Lewis Powell and William Rehnquist, acknowledged that school-district lines "are not sacrosanct," and that if they can be shown to have been deliberately drawn to promote segregation, they should be overturned. But no such constitutional violation, Burger wrote, had been proved in the Detroit case. His opinion also raised logistical questions about the Detroit plan. Unless Michigan state law were completely revamped, Burger wrote, the district court would have to become "a de facto 'legislative authority' to resolve these complex questions" of school operation and finance. In the process, the district court would have to act as "the 'school superintendent' for the entire area. This is a task," he noted, "which few, if any, judges are qualified to perform and one which would deprive the people of control of schools through their elected representatives."

Dissenting from the majority view were Justices William O. Douglas, Byron White, William Brennan and Thurgood Marshall. All of them faulted the majority opinion for drawing an arbitrary line past which state responsibility for desegregation ceases to prevail. "Metro-

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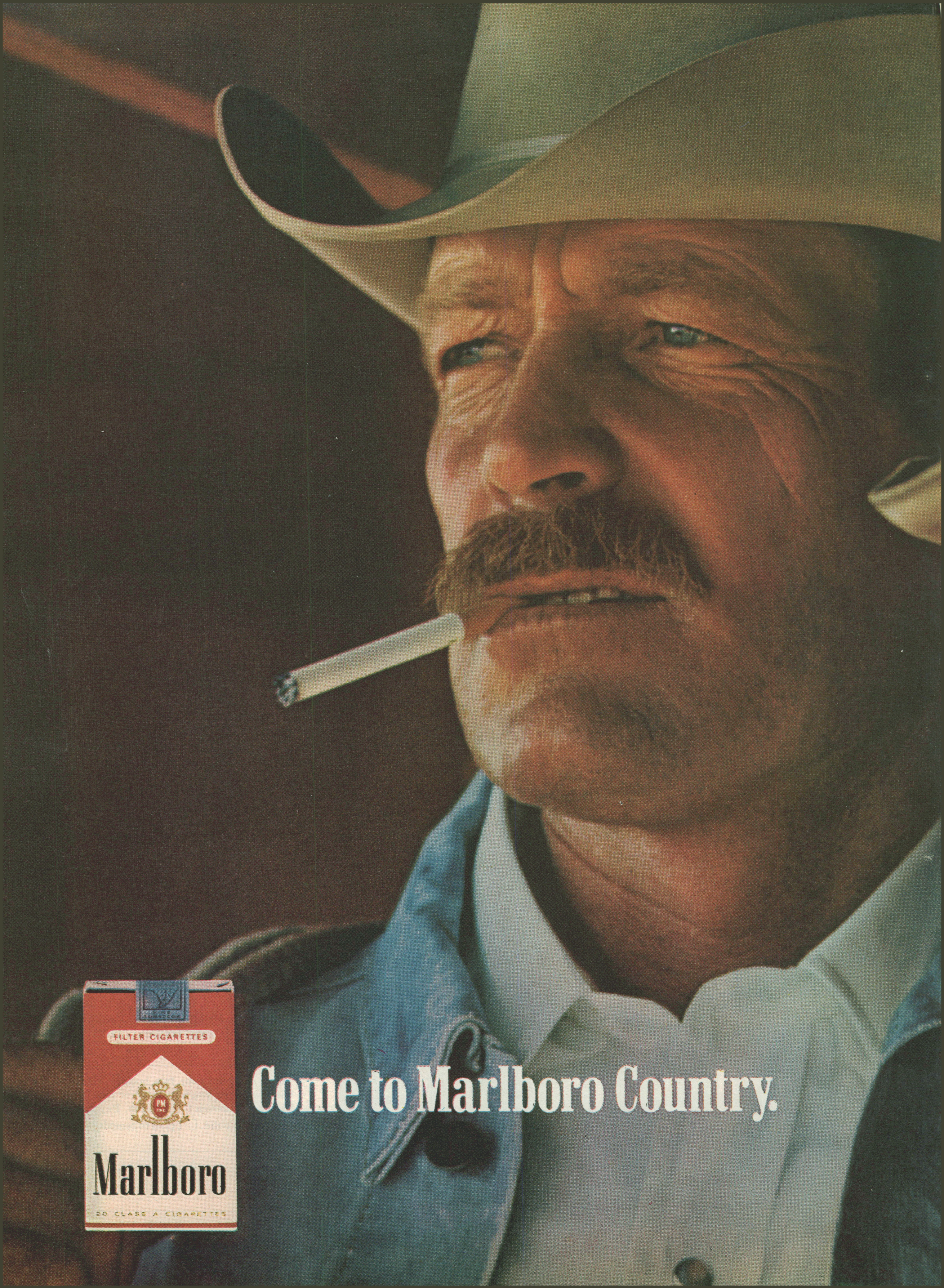
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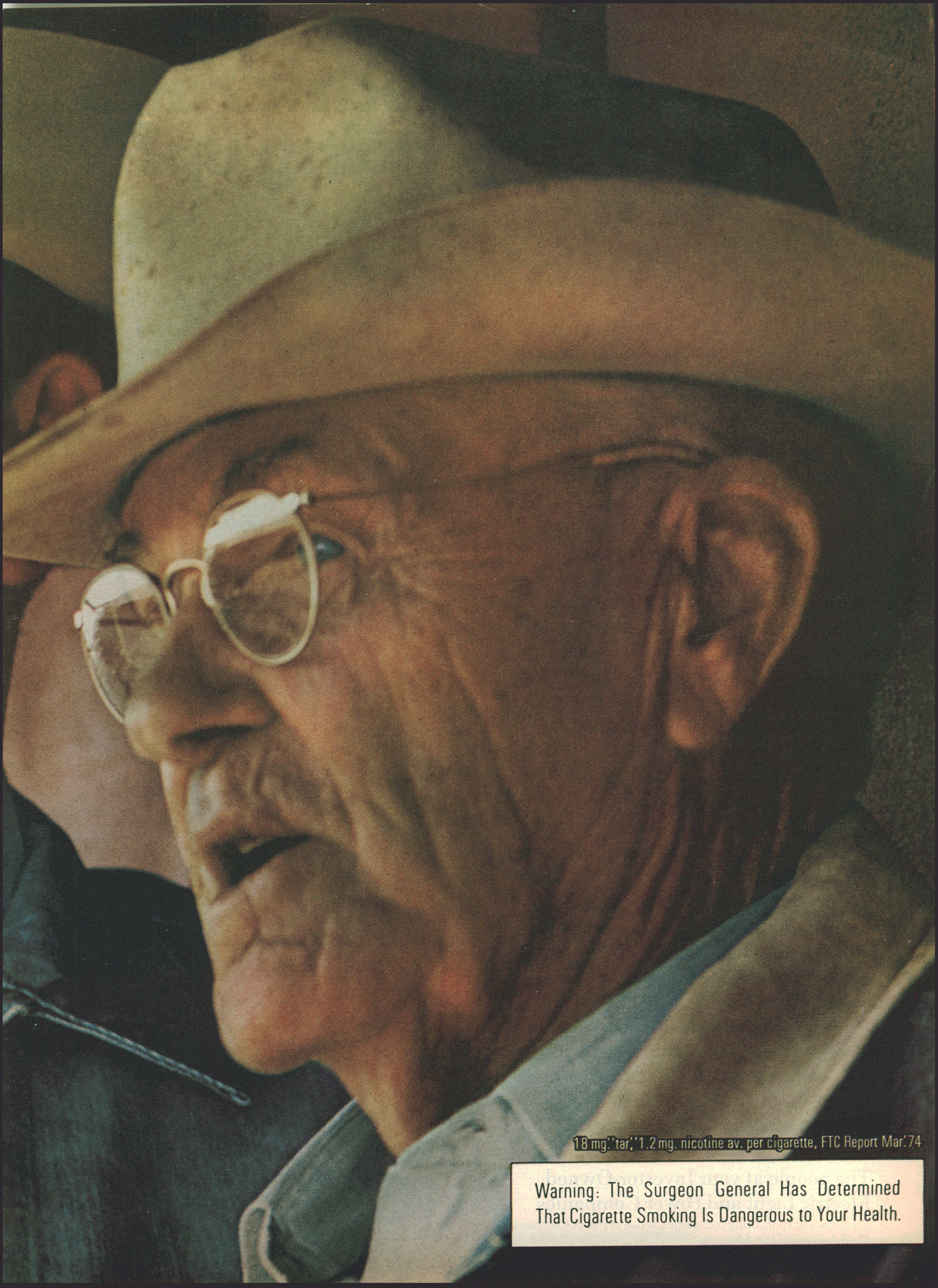
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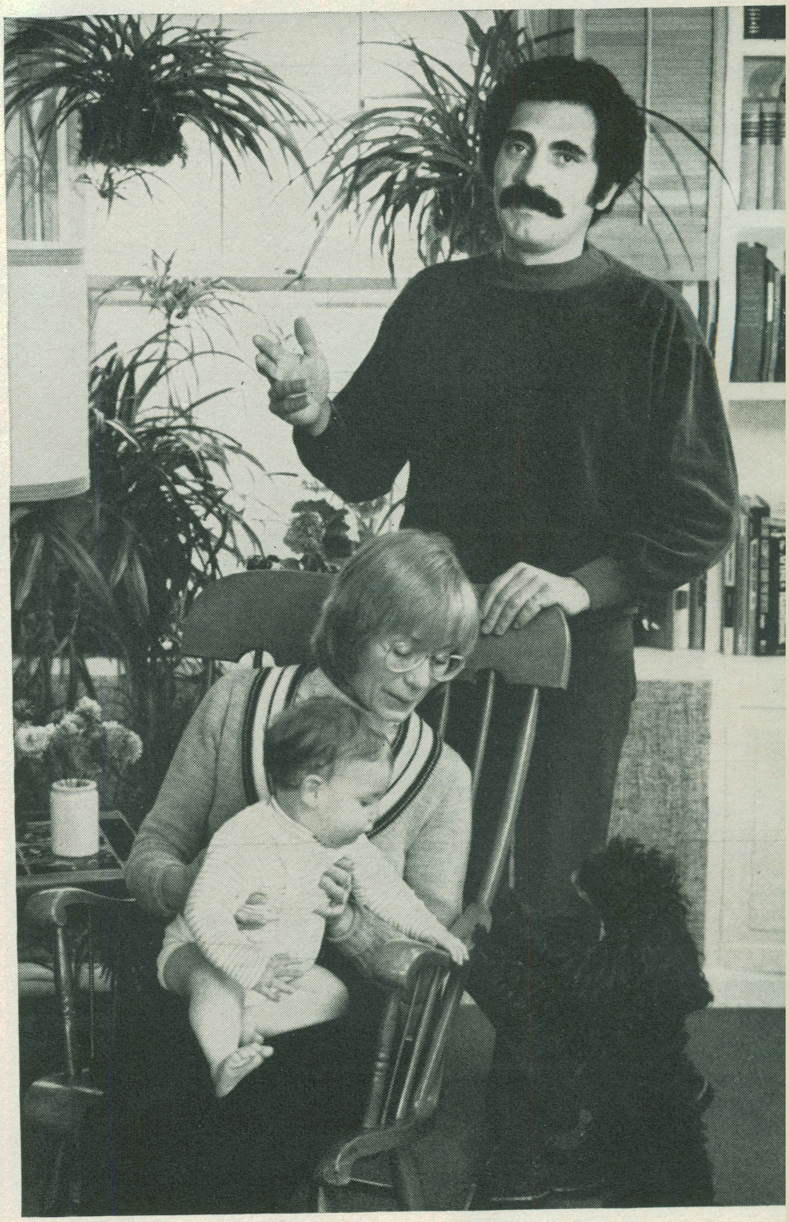

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politan treatment of metropolitan problems," Douglas declared, "is commonplace. If this were a sewage problem or a water problem, or an energy problem, there can be no doubt that Michigan would stay well within federal constitutional bounds if she sought a metropolitan remedy."

The dissenters also joined in a strong statement (box) by Thurgood Marshall, 66, who had argued the Brown case before the Supreme Court twenty years ago and for whom the Detroit decision was a bitter personal defeat.

In suburban Detroit, where for months homeowners had been issuing angry threats of noncompliance with cross-district busing, the reaction to the ruling was unabashedly overjoyed. "We never felt we were guilty of any wrongdoing," said Eugene Spencer, head of the school district in Clawson, Mich. "The Supreme Court has upheld us in that view."

Remedies? Civil-rights spokesmen were quick to voice their strong disappointment—and to pinpoint what they saw as the practical result of the Court's action. Given the growing white exodus from the cities, they said, there is little hope of integrating urban schools without busing across suburban lines. The Supreme Court, said Nathaniel Jones, who argued the Detroit case before the High Court on behalf of the National Association for the Advancement of Colored People, "recognizes that we [blacks] have rights, but no remedies." Verda Bradley, the mother of the two Detroit schoolchildren in whose name the NAACP originally brought suit against the city, was sadly discouraged. "I am hurt," she said, "for the thousands of minority people who will be hurt by this."

But on balance, the reaction of many blacks was not so bitter as might have been expected—and some supporters of cross-district busing were given hope for their cause by one of the Justices who joined in the majority opinion. In a separate concurring opinion, Potter Stewart explained that in other cases, where state officials could be proved to have devised school-district lines, housing codes or zoning laws for "purposeful, racially discriminatory use," metropolitan plans like Detroit's "might well be appropriate."

Relief: Most busing plans now in operation are far less ambitious than Detroit's, and few will be struck down by the Court's ruling. Just 48 hours before the High Court acted, however, a U.S. district court had ordered a cross-district busing plan in Louisville, Ky., to begin this fall; that order has now been canceled, much to the relief of picketing suburban parents. A Boston court order, handed down in June, will not be affected, since it deals only with desegregation within the Boston city limits. And an experimental urban-suburban busing program now under way in Boston on a limited basis will also continue, since it is a product of voluntary cooperation.

On the whole, reports NEWSWEEK's Diane Camper, seasoned Court-watchers feel the Detroit decision was typical of many of the closely reasoned opinions the Burger Court has handed down this term. While the Court declined to endorse any and all remedies for de facto school segregation as some civil libertarians would have liked, neither has it given any real signal of retreat from desegregation as some conservatives might have hoped. After having established the principle of desegregation, the Justices are now engaged in the delicate process of balancing the rights of students in school districts that have practiced segregation against the rights of students in districts that have not.

AP

Plaintiff Bradley and son: 'I am hurt'

For their part, however, the civil libertarians propose to return to the attack. Late in the week, Nathaniel Jones announced that the NAACP will press for immediate action to integrate any remaining all-white public schools within the Detroit city limits. Then it will try to amass new evidence to support another push for cross-district relief. Jones thinks the Supreme Court would accept a metropolitan plan supported by evidence that the suburbs are willfully discriminating against blacks—and he thinks he can come back to court and prove that they are.

'A STEP BACKWARD'

To Associate Justice Thurgood Marshall, last week's Supreme Court decision in the Detroit busing case represented "a giant step backward." Some excerpts from his notably vigorous dissent:

AP

Justice Marshall: 'Emasculation'

I cannot subscribe to this emasculation of our constitutional guarantee of equal protection of the laws and must respectfully dissent. Our precedents, in my view, firmly establish that where, as here, state-imposed segregation has been demonstrated, it becomes the duty of the state to eliminate root and branch all vestiges of racial discrimination and to achieve the greatest possible degree of actual desegregation.

We deal here with the rights of all our children, whatever their race, to an equal start in life and to an equal opportunity to reach their full potential as citizens. Those children who have been denied that right in the past deserve better than to see fences thrown up to deny them that right in the future. Our Nation, I fear, will be ill-served by the Court's refusal to remedy separate and unequal education, for unless our children begin to learn together, there is little hope that our people will ever learn to live together.

Desegregation is not and was never expected to be an easy task . . . But just as the inconvenience of some cannot be allowed to stand in the way of the rights of others, so public opposition, no matter how strident, cannot be permitted to divert this Court from the enforcement of the constitutional principles at issue in this case. Today's holding, I fear, is more a reflection of a perceived public mood that we have gone far enough in enforcing the Constitution's guarantee of equal justice than it is the product of neutral principles of law. In the short run, it may seem to be the easier course to allow our great metropolitan areas to be divided up each into two cities—one white, the other black—but it is a course, I predict, our people will ultimately regret. I dissent.

Huper

Romano Cagnoni

The power and the glory: Caramanlis takes his oath of office as Greeks cheer the return to civilian rule

Decline and Fall of a Junta

The ferryboat Skiron chugged into the tiny fishing village of Porto Rafti late one afternoon. As it nudged up to the dock, the waiting throng exploded. Red parachute flares burst overhead in a canopy of fireworks, and the welcoming crowd, 2,000 strong, cheered and shouted and wept with joy as the passengers stepped ashore. Altogether, 45 men disembarked from the Skiron that day, 45 former political prisoners who—like their country—were free once again. After seven years of dictatorship, the military junta that governed Greece abruptly collapsed last week. Forced by the Cyprus fiasco to acknowledge the failures of their rule, the soldiers stepped down and Greece was returned to civilian rule.

The junta's announcement came on a sultry summer evening, and within minutes thousands of Athenians shouting "*Demokratia, demokratia*" swept across Constitution Square to stand vigil outside the pale-yellow Parliament building. Thousands more rushed to Athens airport to await the return from exile of 67-year-old Constantine Caramanlis, the imperious former Premier who faced the task of restoring democracy to Greece (page 42). It was a homecoming reminiscent of that of Charles de Gaulle, for Caramanlis saw himself as a figure of national unity, a man who had refused to serve until his country called, a politician who was asked to save his nation from the humiliating consequences of a losing foreign adventure.

It will be a Herculean task. Although the conservative Caramanlis included some leftist resistance leaders in his new Cabinet, this did not prevent Athens's supercharged political atmosphere from crackling with rumors of plots and counterplots. What's more, there was no guarantee that the military, in spite of its promises, would stay in the barracks and let the civilians rule. And over Greece's uncertain future loomed the emotional question of whether exiled King Constantine should be allowed to return.

For the moment, at least, the military seemed to have had enough of politics, and Greece appeared to be returning to a semblance of normality. In his first day as Premier, Caramanlis announced that all political prisoners would be released, promised a general amnesty for political crimes, ended press censorship and pledged that every decree violating civil rights would be abolished.

Acrimony: Caramanlis's principal order of business was to tackle the smoldering crisis on Cyprus (following story). As clashes between Turkish forces and Greek-Cypriots escalated despite an agreed-upon cease-fire, he dispatched his new Foreign Minister, George Mavros, to Geneva for peace negotiations. As expected between two age-old enemies, the talks quickly turned acrimonious. But Washington, which cheered the return of civilian government to Athens, pressed Caramanlis and Turkish Premier Bulent Ecevit to come to terms quickly and end a crisis that has threatened the solidarity of NATO and imperiled the U.S. strategic and military position in the vital area of the eastern Mediterranean.

It was the Greek junta's coup against Cypriot President Makarios two weeks ago that proved its undoing and brought about Caramanlis's dramatic return to power. When Turkish forces invaded the island in response to the ouster of Makarios, a cluster of Greek military officers decided that the junta and its behind-the-scenes strongman, Brig. Gen. Dimitrios Ioannidis, had blundered so badly they had to go. The rebels' leader was Lt. Gen. Ioannis Davos, commander of the powerful Third Army Corps based in northern Greece. In the days following the Cyprus coup, Davos shuttled between his headquarters, in Salonika, and Athens. He met with the commanders of the air force and the navy, and the three men—all uncomfortable under the junta's rule—agreed to move against the Ioannidis government.

The rebel troika won a pledge from the army commander that he would support them, and then they confronted Ioannidis himself. Outflanked and outgunned, Ioannidis handed over power and for three days, the Greek Government came to a standstill. The turning point came early last week when the mil-

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Constantine and wife in British exile, and freed prisoner celebrating the junta's collapse

itary commanders met with President Phaidon Gizikis. And after more than three hours of discussion, Gizikis ordered his aides to summon eight opposition politicians—most of whom had spent time in prison during the junta's rule. These unlikely associates—Gizikis, the military leaders and their civilian opponents—met that afternoon. From talks with highly placed Greek sources, NEWSWEEK's Barry Came cabled this report of the meeting:

"The meeting began with Gizikis's announcement that the military would hand over power to a civilian government. The politicians were overjoyed—but cynical. 'Where is Ioannidis?' one asked. 'He does not exist,' Gizikis replied (and indeed his whereabouts remained a mystery all week). Then began a round of bickering characteristic of any Greek political meeting, until Gizikis angrily interjected, 'Gentlemen, I may as well tell you that you are not going to leave this room until we form a government of national unity.' It was then that the name of Constantine Caramanlis came up as one politician—perhaps the only one—with enough stature to hold together a new government. At 4:55 p.m. Gizikis reached Caramanlis by telephone in Paris. The feisty old politician's first words were, 'What took you so long to contact me?' In only a few minutes of discussion, Caramanlis became convinced that the military was sincere in its pledge to restore real power to him—and with that, he agreed to come home."

The brief telephone call ended seven years of repressive military dictatorship that began on the morning of April 21, 1967, when Col. George Papadopoulos spoke the code word "Prometheus" and sent tanks churning through the streets of Athens. Critics were forced to flee into exile or were banished to stark prisons on remote islands of the Aegean. Opponents of the colonels were tortured at Athens's infamous security-police headquarters on Bouboulinas Street. The press was censored, political parties banned, dissident military men dismissed or arrested. And when young King Constantine's amateurish putsch against Papadopoulos failed, he too had to scurry to exile in Italy, where he watched as he was stripped of his throne last year.

For several years, the junta's methods worked. It beat its opponents into submission and consolidated its powers. Buoyed by U.S. military and economic aid, the colonels even succeeded in creating something of an economic boom. Tourism soared and the profits from such industries as shipping filled the treasury and the people's pockets. By 1972, Greece was enjoying an annual growth rate of 8.5 per cent, and the average Greek's income had increased 50 per cent. But just as rapidly as they rose, Greece's fortunes and those of Papadopoulos fell.

Last November, fearing that a few window-dressing gestures toward democracy—the appointment of a civilian Premier, the announcement of future free elections—might lead to an actual loss of military control, Ioannidis overthrew Papadopoulos. It was no gain for Greece. The new junta was as repressive as its predecessor—and far more incompetent. Ioannidis tried to curb Greece's spiraling 33 per cent inflation rate, the highest in Europe, with a crackdown on credit and a cut in military spending. But that only threw thousands out of work and sent industrial productivity into a dizzying spin. With the economy in a shambles and the populace growing increasingly restive, the military tried the ill-fated Cyprus plot that cost them everything.

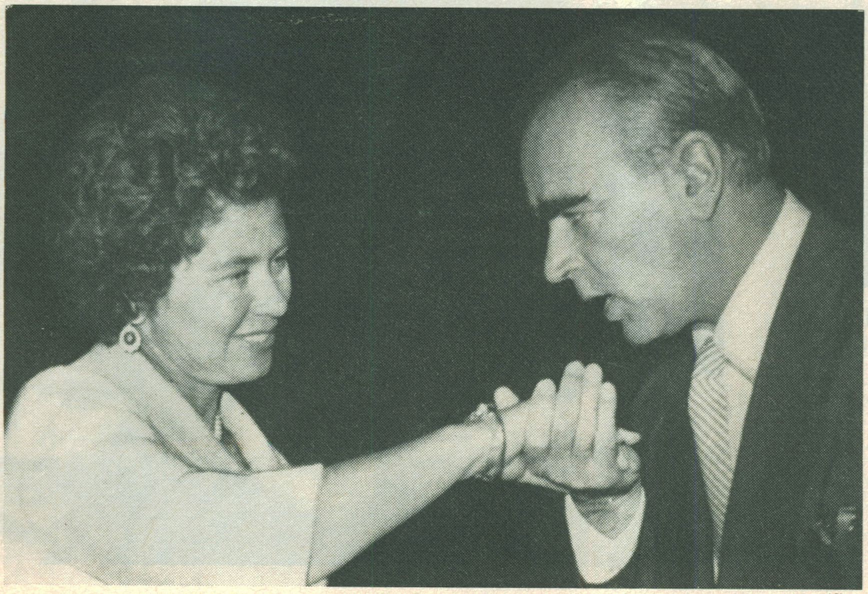
Flowers: Barely nine hours after his telephone summons from Gizikis, Caramanlis returned to Athens aboard a Mystère 20 executive jet borrowed from French President Valéry Giscard d'Estaing. As he rode into Athens, a cavalcade of cars, four abreast and miles long, trailed his limousine, and thousands along his route tossed flowers at the new Premier's car. Caramanlis plunged quickly into the tricky business of conducting a change-over from dictatorship to democracy. He pledged to respect civil liberties. He slashed the powers of the hated military and security police. He restored citizenship to 30 noted Greeks whom the junta had ostracized, including composer Mikis Theodorakis, publisher Helen Vlachos and actress Melina Mercouri. And he signed an order that dramatically symbolized the end of the seven-year dictatorship: the removal from all buildings of the junta's emblem, a phoenix rising from flames

that Athenians called "the barbecue."

One issue on which Caramanlis did not move promptly was the future of 34-year-old King Constantine. Though Caramanlis and Constantine maintained close contact during their mutual exiles, the Premier is no monarchist; in fact, he left Greece in 1963 after a feud with Constantine's iron-willed mother, Queen Frederika. The young King's popularity in Greek Army circles and even among the people is open to question, and Caramanlis made no reference to the monarchy in his first nationwide television address last week. "He'd be mad to bring Constantine home before he even knows whether the Greek people want him back," said one government official in Britain, where Constantine has been living recently. And in fact, with the list of pressing problems facing him, Caramanlis seemed intent on introducing a minimum of uncertainties into the Greek political equation.

Caramanlis named a Cabinet that is essentially a center-and-right grouping, drawn mainly from the leadership of the two parties that gathered more than 80 per cent of the vote in Greece's last election in 1964. With only a few liberal voices among those in authority, no one was ruling out a move by the left when the current state of euphoria in Greece comes to an end.

Warning: Moreover, neither the junta leaders—including Ioannidis, who retains control of the 20,000-man military police force—nor the virulently right-wing military officers who provided the founda-



AP

Caramanlis and Frederika in 1959: Others talked, he acted

CARAMANLIS: A SECOND COMING

Exactly eleven days before he returned to Greece last week to become its new Premier, Constantine Caramanlis was standing in a line at the entrance of the Louvre Museum in Paris. As he waited, a group of tourists from Athens appeared, and when they recognized the tall, bushy-browed Caramanlis, they swarmed around him, shaking his hand and hugging him. "We want you back in Greece," some of his countrymen said, and Caramanlis was nearly moved to tears. Later that day, he told friends that the encounter meant more to him than all the confidential political reports he had received from Greece over the past eleven years. It had convinced him, the 67-year-old Caramanlis said, that the Greek people really wanted him to come home.

"Costa" Caramanlis had not been home since he left Athens in 1963 after a row with the late King Paul and his iron-willed wife, Queen Frederika. Until then, Caramanlis had held power for eight years, longer than anyone in modern Greek history, and during that time he was regarded as a man of the right—a practical, conservative politician who got things done and maintained law and order. In his distaste for gossip, rhetoric and the social life of the *tavernas*, he seemed to be a most un-Greek political figure. But still, Caramanlis captured the imagination of many ordinary citizens. The men, it was said, admired his bold, honest sincerity; the women—to whom he gave the vote—fancied his handsome, manly presence.

Macedonian: In a way, Caramanlis was an intruder in the Athenian political world. He was born in a part of Macedonia that was at that time under Turkish rule. His father was a poor schoolmaster and part-time tobacco farmer, and young Constantine had to scramble to make his way through law school and into Parliament. His first big political chance came in 1936, when he was offered a Cabinet post by dictator Ioannis Metaxas. Caramanlis rejected the offer with the blunt remark: "Mr. Premier, all dictatorships contain the seed of death. They are doomed from the beginning, as will be yours."

It was not until he became Minister of Public Works in 1952 that he gained a national reputation as a man who acted while other politicians talked. He renovated the face of Athens, built roads and hospitals and attracted attention by mingling with the workers at building sites. The upstart from the north had become a crowd-pleaser, and when Premier Alexander Papagos died in 1955, King Paul chose Caramanlis to replace him.

Energy: The youngest man—and the first Macedonian—ever to hold the post, Caramanlis conducted his Premiership with notable energy. He pushed ahead with industrialization and became known as the architect of Greece's postwar recovery. He linked Greece closely to the West and worked out with Turkey a constitutional arrangement for Cyprus that appeared at the time to be the solution for that island's bitter ethnic strife. At home, he earned a reputation as tough, arbitrary and staunchly anti-leftist. But as Caramanlis was later to point out, he—unlike many of his predecessors and successors—never threw Greeks in jail for their political views.

In the early 1960s the Caramanlis era began to go sour. The left accused him of rigging an election, and many of his own followers argued that he was far too slow in distributing Greece's growing wealth more equitably. In 1963, when King Paul refused to heed his advice and cancel a visit to London, Caramanlis suddenly resigned, and when the left-leaning Center Union Party won an edge in the elections later that year, Caramanlis bitterly pulled up stakes and left for Paris. During his long exile, Caramanlis studied avidly, learning French and English, reading widely in European political philosophy, attending Raymond Aron's sociology lectures at the Sorbonne—and, according to friends, becoming somewhat more liberal. After the colonels took power in Athens in 1967, he denounced them time and again for leading Greece astray and made it clear that he would not return until the soldiers went back to their barracks. When they told him last week that they were prepared to do just that, Constantine Caramanlis moved with his old decisiveness.

tion of the junta's power have been ousted or arrested. Late last week, 31 officers warned that they would strike back if any move was made against members of the fallen dictatorship. They may or may not have the power to do so, but the new government seems to be taking no chances. "The army on its own initiative opened the road to democracy," said Defense Minister Evangelos Averof-Tositsas in response to calls for punishment of the former leaders. "Now is not the time for stupidities." Caramanlis is well aware that he is wedged between two potentially troublesome forces. But, as he told NEWSWEEK's Peter Mellas last week, "I am optimistic. If I were not, I would not be here."

For now, the paramount challenge for the new government is to bring the Cyprus crisis to a peaceful conclusion. The Premier termed that quest a "Greek national mission," and as Caramanlis was making his statement, Foreign Minister Mavros arrived in Geneva to begin the tripartite talks with Turkey and Britain—Greece's co-guarantors of Cypriot independence. Both Athens and Ankara took hard lines and, in the face of continued Turkish violations of the cease-fire, Mavros threatened to walk out of the negotiations.

Barrage: Still, there was a precedent for compromise. It was during his first term as Premier that Caramanlis agreed to Cyprus's independence in 1959 and persuaded his reluctant countrymen to accept it. Last week, Greek officials conceded privately to NEWSWEEK's John Barnes that their new government would have to make concessions again—most likely to accept a larger Turkish presence on the long-fought-over island. Ankara too will have to give as well as take. After its military successes on Cyprus during the past two weeks, Turkey was not eager to pull back its army. But others, notably the U.S., were anxious to limit the Turkish buildup on Cyprus, and late last week a steady barrage of high-pressure diplomatic cables was rocketing from Washington to Ankara.

The U.S. was keeping equally close tabs on developments in Athens. For years, many Greeks had harbored resentment against the U.S. for its unwavering support of the junta and the public coziness of U.S. Ambassador Henry Tasca with members of the military regime. Now, even though some Greeks believe that Washington pulled the rug out from under the junta, bad feelings linger. As a result, sources in Athens believe that the removal of Tasca by the U.S. is a virtual certainty as soon as the emergency cools. What role the U.S. had played in the junta's decision to hand over power to Caramanlis was uncertain. But there was no doubt that the U.S. would now be doing everything it could to help Caramanlis and his civilian government—whom Secretary of State Henry Kissinger warmly lauded as "old friends of ours"—take hold in Greece and damp down the threat of war over Cyprus.

AP

Greek-Cypriots under fire: The resistance proved surprisingly stubborn

Cyprus: A Fiery 'Cease-fire'

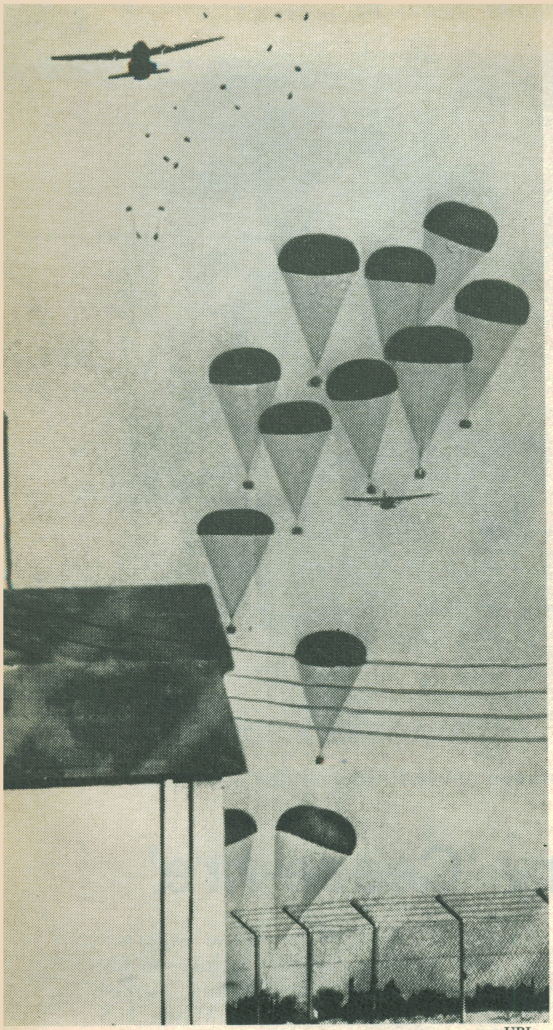
From their frontline positions along the western edge of the airfield, the Turkish marines stared glumly out at the long jet runway. Only 500 yards away, they could see the tanks and armored cars of the Greek-led Cypriot National Guard. In three days of bitter fighting, the Turks had been unable to wrest control of Nicosia International Airport from its stubborn defenders. Now, even though a cease-fire was in effect, the Turkish commander wanted to make one more try—but a new problem had arisen. U.N. peace-keeping troops had moved in and taken control of the airport, and they announced that they would resist any attack "with all the force at their disposal." Their efforts to keep the two sides apart mirrored the desperate bid by the world community last week to restore the much-violated cease-fire on Cyprus. "It's an explosive situation," one U.N. officer said. "Almost anything could set it off."

As fears of a Greek-Turkish showdown over Cyprus again mounted, the U.S. and Britain issued a stern warning to Ankara. In New York, the U.N. Security Council heard charges that Turkey was continuing to bomb and shell Greek-Cypriot towns and villages—nearly doubling the area it controlled on Cyprus at the time of the official cease-fire while beefing up its invasion force to an estimated 25,000 men. In Geneva, the delegate of the new Greek Government threatened to walk out of the Cyprus cease-fire talks unless Turkey began observing the truce. And as the Turkish attacks continued, the new Cypriot President Glafcos Clerides threatened to call on Greek-Cypriots to fight "to the last man, and to the end."

None of this seemed to faze Turkish Premier Bulent Ecevit, whose eagerness to score a major military victory on Cyprus had led to a humiliating Turkish blunder early in the battle. When U.S. Under Secretary of State Joseph Sisco first approached Ecevit about a cease-fire July 20, Ecevit put him off—then the next day said he would agree to a truce only if Greece would pledge to order home a naval armada supposedly heading for Cyprus. Returning to Athens, where the military government that had ruled Greece for seven years was already beginning to collapse, Sisco found the junta's strongman, Brig. Gen. Dimitrios Ioannidis, enraged at the Turkish Government's stalling. "Tell Ecevit," he thundered, "that if he can find Greek vessels in the danger area, he has my permission to sink them."

Flotilla: At that very moment, Turkish jets were searching for the Greek fleet they believed was approaching Cyprus. Late in the day, a flight of F-100s spotted five ships identical to the ones they had been told to look for. They dive-bombed the vessels, sinking a destroyer. News that Turkish planes had repulsed a Greek flotilla off the coast of Cyprus burst like a bombshell in Ankara, and this apparent first clash of mainland forces gave rise to fears that war between Greece and Turkey was imminent. "It came damn close," one high Western source told NEWSWEEK's Malcolm MacPherson. But then it was revealed that the destroyer the Turks sank had been their own.

Further complicating matters for the increasingly frantic Sisco was the power struggle taking place within the Greek military junta. It was apparent to Sisco



UPI

Turkish airdrop: Continuing buildup

that Ioannidis was no longer able to make decisions—but who could? "I have never had to deal with a government like this," Sisco fumed in the U.S. Embassy in Athens. "What sort of set-up is this, anyway?" Finally, Sisco presented the finished draft of the cease-fire proposal to Adm. Ioannis Arapakis, who appeared to have taken over. Arapakis agreed to accept it. At this point, Sisco said: "Admiral Arapakis, I hate to say this to you, but at a time like this, I have to know. Do you speak for the government?" Arapakis said he did. Then Sisco went on: "And, Admiral, I'm sorry to say this, but do you speak for General Ioannidis?" "Yes," replied Arapakis. With that, Sisco called Secretary of State Henry Kissinger in Washington, who worked out details of the cease-fire announcement.

Attack: In the final hours before the truce, Turkey made a massive military effort. Ankara had launched the invasion expecting its modern army to quickly overwhelm the lightly armed Cypriot National Guard and to capture such key objectives as the Nicosia Airport and Kyrenia. But resistance proved surprisingly stubborn. With the cease-fire only hours away, more than 2,000 fresh Turkish troops stormed ashore on both sides of the northern port of Kyrenia, and Turkey launched a land, sea and air attack to drive the last Greek-Cypriot defenders from the strategic coastal town. Bitter fighting also raged along a broad front as the Turks tried to widen their corridor from the coast to Nicosia. Wave after wave of Turkish jets blasted Greek positions with bombs, rockets and napalm. As the Greek-Cypriots tried to reinforce their positions, Turkish jets came in low along the roads and turned the vehicles into charred lumps of steel.

Even after the cease-fire went into effect, the Turkish drive continued. As the week wore on, Turkish troops expanded their lines by a mile or two each day. Naval landing craft continued to pour troops, trucks and tanks ashore on the beaches near Kyrenia, and waves of Turkish helicopters continued to flutter in over the coast carrying troops to beef up inland positions. Late in the week, Turkish forces pushed close to the town of Myrtou, 16 miles west of Kyrenia, and bombing and shelling attacks were also reported on the Greek-Cypriot villages of Sisklipos and Ayios Ermolaos. The Turkish-Cypriots also won back two suburbs of Nicosia that they had lost in fighting ten years ago.

With battles raging all over Cyprus, vacationing tourists were advised to try to make their way to the island's beaches for evacuation. Thousands did, hiding during air attacks in caves and behind rocks, then coming out to huddle around 6-foot-long strips of white cloth spelling out "U.K." (for United Kingdom). During lulls in the fighting, boats from a British frigate and helicopters from a British commando carrier darted in to the beaches to pluck the refugees off in a Dunkirk-style evacuation. Other foreigners were escorted in massive convoys from Nicosia and Famagusta to the safety of the British Army base at Dhekelia. The Famagusta tourists got out just in time: Turkish jets swept in just before the cease-fire and poured bombs, rockets and machine-gun fire into the tourist hotels that line the sea. A whole wall of the ten-story Salaminia Tower, which was flying the British Union Jack from its television mast, collapsed into ruins.

Showdown: The official end of the fighting also brought an end to the brief Presidential career of Nikos Sampson, the erstwhile political assassin installed by the Greek military officers when they overthrew Archbishop Makarios the week before. At a bitter showdown meeting, the Greek officers accused Sampson of failing to win diplomatic recognition for his regime from a single country. Without the support of his Greek military allies, Sampson was clearly finished. And shortly before the cease-fire, he sent a representative to the home of 55-year-old Glafcos Clerides to ask the speaker of the Cypriot Chamber of Deputies to take over as President. Clerides wasn't home, but when he was finally tracked down the next day, he accepted the offer on the spot.

Clerides quickly tried to assume the role of peacemaker and healer. He met with Turkish-Cypriot leader Rauf Denktash, an old acquaintance from their many years as chief negotiators in discussions between the Greek and Turkish communities. Clerides also made it clear that he intended to stay on as President: he said he would strongly "advise" Archbishop Makarios—presently in exile in New York—not to try to return. "It would be a very unwise move given the present situation," he said. But the resilient archbishop clearly didn't see it that way: he confidently predicted that he would be back in his old capital "in a few weeks" to re-assume the Presidency.

BULLETS IN A BAR

As wars go, the fighting on Cyprus was small-scale, but it was often intense, chaotic and dangerous for the correspondents who covered it. "This is the hairiest story I have ever been on," cabled NEWSWEEK'S Beirut bureau chief Nicholas C. Proffitt, who has reported on both the Vietnam war and last year's October war in the Mideast. Proffitt was captured by the Turkish Army on Cyprus twice in the space of three days. His story:

My first encounter with the Turks came on invasion day. I was standing on the seaside terrace of the Klearchos Hotel in the town of Karavas watching the landing forces deploy when a group of Turkish frogmen appeared. They took me prisoner along with everyone else around. Fortunately, it was not long before an English-speaking Turkish officer turned up. "Don't worry, we are not cruel," he assured me and let me go. But after a few days in Nicosia I decided to go back to Karavas, and my second brush with the Turkish Army was a good deal more worrisom

The drive from Nicosia along tl Greek-controlled road to Kyrenia hε been peaceful enough. The three of ι —Holger Jensen of the Associated Pres Terence Smith of The New York Tim and myself—had waved to the la Greek troops we saw as we approache Karavas. But now we began to see tl signs of battle along the road—burne out cars, tanks and half-tracks that hε been demolished by Turkish planes. the town itself no one was in sight. W climbed out of our car and entered tl

Despite its fragile nature, the cease-fire in Cyprus brought an enormous sigh of relief from NATO officials in Brussels. Secretary-General Joseph Luns said the prospect of the first war ever between two NATO allies had been the gravest crisis in the history of the alliance. And NEWSWEEK's Lloyd Norman reported that top U.S. Defense Department officials had been similarly alarmed, considering the potential threat to U.S. interests more grave than during last October's Middle East war. "This is the cockpit area," a Pentagon official said, "an area the Russians have tried to penetrate for years."

Strengthened: Still, the situation remained volatile. For Ankara, basking in the glow of its "Sixty Hour War," seemed in no mood for conciliation. During a visit to wounded soldiers, Premier Ecevit, who emerged from the war in a greatly strengthened position, declared that the Turkish military presence on Cyprus was "irrevocable." And he also made it clear that Turkey would never return Kyrenia, which for the first time gives Turkish-Cypriots—who had found it virtually impossible to get permission from the old Makarios regime to travel abroad—"an opening to the sea."

Though the Turks seemed to have the stronger bargaining position, the Greek-Cypriots did not come out of the war empty-handed. The Turkish invasion force seized an estimated 800 prisoners of war and shipped them back to the mainland. But the Greek-Cypriot National Guard has about 1,750 men from Limassol's Turkish enclave imprisoned behind rings of barbed wire in the city's soccer stadium. And the National Guard also overran the Turkish-Cypriot communities in Larnaca, Paphos, Morphou and Famagusta, and may well try to trade these for a return of Greek villages captured by the Turkish invasion force along the north coast.

Cuneyt Arcayurek—Sipa

Turkish tank splashes ashore on Cyprus coast: An 'irrevocable' presence

Discussions like these will come later. "Our problem now," a worried British official said last week, "is just making the cease-fire stick." In Geneva, the U.S. and Britain jointly proposed that 600-yard-wide buffer zones be created between the Turkish and Greek-Cypriot forces, to be policed by the U.N. While this plan was received with little enthusiasm on either side, officials hoped some agreement could be found that would end the cease-fire violations and halt the creep of Turkish lines. "Until we get that," said a State Department official, "the island remains a tinder box."

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battered Klearchos Hotel. And as we stood surveying the wreckage in the hotel lobby, machine-gun bullets and mortar shells began to rip through the building.

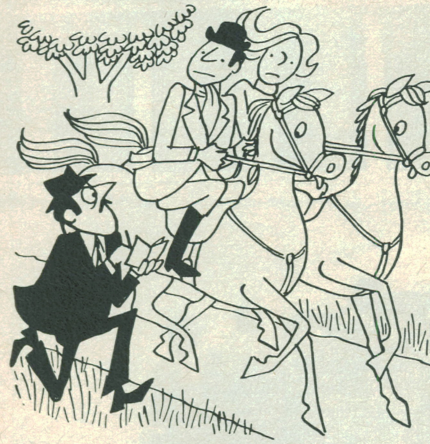
Refuge: We had no idea who was shooting, but we threw ourselves on the floor and crawled to refuge behind the bar. The three of us crouched on a carpet of broken glass, soaked in the liquor from the smashed bottles and ducking the heavy fire that ripped through the hotel. It became clear to us that we had inadvertently crossed the Greek lines into a bitterly contested area, with the Turks trying to widen their invasion corridor, the Greeks doing their best to hold them back and ourselves right in the middle. All of us had covered the Vietnam war, and we knew that the first soldiers to enter the hotel might clear their way by tossing in a few grenades. We agreed that we should try to head that off by shouting that we were Americans the moment troops broke into the building.

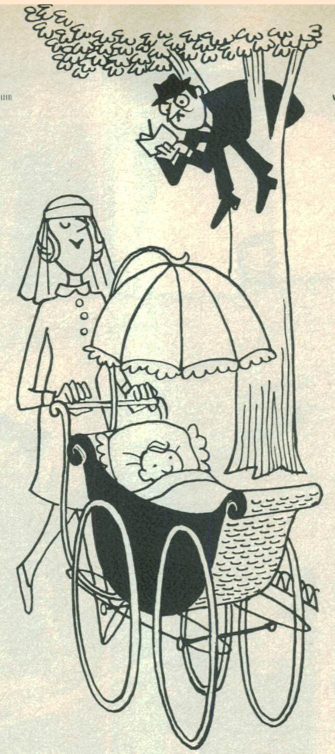
As the shells kept coming, we all vowed that this would be our last war. Finally, there was a long lull in the shooting, and then we heard the sound of footsteps crunching across the broken glass in the lobby. We were still hiding behind the bar, and after a moment's hesitation we managed to croak out the words "American, American, we're American." In an instant, four Belgian-made automatic rifle barrels came over the top of the bar and fixed on us. The men behind them were Turks, and they shouted at us in Turkish as we scrambled to our feet and kept babbling "American, American." I will always marvel at the restraint the soldiers showed in not gunning us down when we startled them.

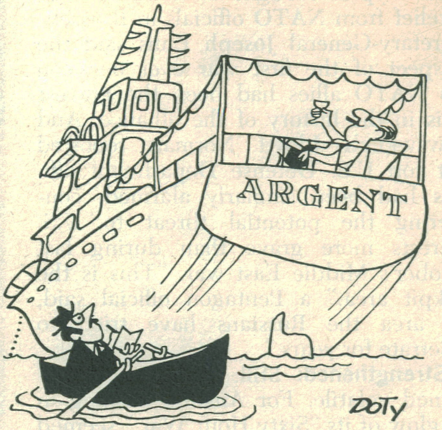
Kindness: The Turks searched us, checked our passports and sent us back to their camp. We walked past swollen bodies and gutted tanks, and behind Turkish lines we found nearly 150 foreign and Greek-Cypriot civilians crammed into a beachhouse serving as a makeshift refugee camp. We were treated with great kindness by the soldiers charged with looking after the refugees. The troops lacked sufficient doctors and medical facilities, but the Turkish officers arranged for wounded civilians to be transferred to a field hospital a couple of miles away.

One of the Turkish officers was an airborne lieutenant from Istanbul who had been trained by the U.S. Marines at Quantico, Va. He was in constant telephone contact with a United Nations officer in an attempt to evacuate the civilians, and in their first talk the U.N. officer asked him what his name was. "Just call me Tarzan," the Turkish officer replied. "Okay," said the U.N. man, "you call me Jane."

Despite constant attempts, Tarzan and Jane could not come up with the trucks needed to evacuate the civilians. We three journalists spent the night with the refugees, and the next morning, with the cease-fire holding, we decided to risk driving across the lines and heading back to Nicosia. We made it, but all the way back we kept our heads down.







Drawings by Roy Doty

HOW A FRENCHMAN KNOWS HE'S RICH

Evading income taxes is almost as popular a pastime in France as *l'amour.* Finance Ministry officials have estimated that taxpayers regularly cheat the government out of $10 billion a year. The government has long considered that ownership of such items as a car or home is a gauge of a taxpayer's likely income, and requires that they be listed on tax returns. But the bureaucracy has perceived that there are many new signs of status, and it has accordingly designed a new list of "apparent signs of wealth." How can a Frenchman tell if he is rich? Let us count the ways:

- The size of his motorcycle. If it is over 450 cc.'s, it is regarded as equivalent, wealth-wise, to a car.
- His stable of riding horses. Anyone can own one without fear of the tax man, but if a Frenchman owns two he is reckoned to be rich.
- Employing a maid. By the old rule of thumb, a maid used to be valued at $1,800 a year. Now the figure has been raised to $5,000.
- His sailboat. If its size is over 3 tons, the tax collector gets interested.

As a rule of thumb, once a taxpayer lists more than four status symbols (not including his home), he will be hit with a heavy additional tax burden. And those who own up to six or more signs of wealth can expect to have their taxes doubled.

Frenchmen did not seem overly disturbed by the new rules: they have come to relish the annual sport of outsmarting the tax man, and many of them were expected simply to shift their riches into assets more readily concealable than yachts or house maids. One senator named Jean Filippi announced he would give up golf (club memberships are on the telltale list) for a new sport: rowing. The revenuers, he reasoned, could not possibly be impressed with a man who paddles his own canoe.

SOUTH KOREA:

Church Against State

The ministers and vice ministers
are coming out . . .
They command the national defense with their
Golf club in their left hand,
While fondling the breasts of
their mistresses
With their right.

He is a tough, idealistic poet, and his biting attacks on corrupt officials and the erosion of human rights have made 33-year-old Kim Chi Ha South Korea's most acclaimed writer. He has also become one of President Park Chung Hee's least favorite citizens: twice Kim has been jailed and tortured. And as Park escalated a campaign to silence domestic protest last spring, he again arrested the chain-smoking poet. After toying with the idea of execution, Park has now sentenced Kim to life in prison.

South Korea is in the midst of a storm of repression unprecedented even in Park's iron-handed regime. Kim and 52 other dissidents are in prison, and still others—including former President Yun Po Sun—are on trial. Last week, Park's secret police arrested Roman Catholic Bishop Daniel Chi, and South Korea's small (800,000 in a population of 33 million) but influential Catholic community reacted with a brave show of defiance. More than 3,000 Catholics gathered in Seoul's old red-brick Myong Dong Cathedral to hear a protest mass celebrated by 130 priests, eleven of South Korea's thirteen bishops and the church's spiritual leader, Stephen Cardinal Kim. As the ambassadors of Belgium and France listened, the priests offered prayers "for the restoration of democracy."

Park maintained that the domestic crackdown was necessary to protect South Korea from subversion by Communist North Korea. But international criticism was mounting, and even Park's old allies in Washington expressed displeasure—though not enough for the Administration to propose a reduction in U.S. aid. Secretary of State Henry Kissinger defended continued assistance for Seoul on the ground of Korea's strategic position. "We would not recommend the actions of the government of South Korea," Kissinger told a Senate appropriations subcommittee. "[But] where we believe [our] national interest is at stake, we proceed even when we don't approve [of an ally's domestic policies]."

But a number of American voices were beginning to speak up more strongly against Park. Some U.S. diplomats insisted that Park was overplaying the possibility of subversion in South Korea for his own political ends. And in Congress, a House foreign-affairs subcommittee planned hearings this week on the Administration's request for $213 million in aid for Seoul. A growing number of congressmen appeared to back the idea of cutting support for Park unless he eased some of his repressive measures. Subcommittee chairman Donald Fraser of Minnesota formally proposed that Washington take a "hard look" at aid for governments committing "gross violations of human rights."

Torture: That human rights were being violated in South Korea seemed fairly clear. In Seoul last week, cabled NEWSWEEK's Paul Brinkley-Rogers, "eyewitnesses substantiated stories that police employed water torture and connected electrical cords to the genitals of some of Park's political prisoners." Dozens of South Korean scholars and churchmen have mysteriously vanished in recent months, and they too may turn up before Park's military judges. Park's effort to protect himself from domestic challenge, it seemed, was producing a regime remarkably similar to the North Korean Communist tyranny he professed to deplore.

Churchill and Wayne in 'The Big Trail'

P. Ross Ramer

Mamie and the statue of Ike on Gettysburg College campus

On the Fox movie lot in 1930, director **Raoul Walsh** screen-tested a strapping young prop man and signed him to star opposite Marguerite Churchill in "The Big Trail." Walsh's forthcoming autobiography, "Each Man in His Time," recalls the advice he gave the newcomer: "Speak softly but with authority, and look whoever you're talking to right in the eye." The actor's name? Marion Michael Morrison. "Sounds like a circuit preacher," said the producer, so the moniker became **John Wayne**. "There is a lot of pride in the knowledge that I discovered a winner," writes Walsh. "Not only that. I also found a great American."

New York's *paparazzi* are perpetually on safari in the asphalt jungle, never knowing what big cats might prowl into shooting range. Two photographers from Women's Wear Daily's biweekly W stalked ex-movie star **Greta Garbo**, 68—still one of the world's most artful camera dodgers—and snapped away until she lashed out with an umbrella, just missing the nearest lensman. "You bastard, get away from me!" snarled Garbo. Another lucky hunter caught **Jacqueline Onassis** looking as youthful as ever on the eve of her 45th birthday.

When Broadway actresses plant kisses on cops, it has to be a red-letter day for the men in blue on the Great White Way. In response to a show-business plea, the police have succeeded in reducing if not eliminating the theater district's sidewalk cast of hookers, muggers and other box-office nonattractions. To show their gratitude, cleanup crusader **Joan Hackett** and fellow troupers boarded a bus and rode around to Times Square's two police stations to deliver personal thanks. "I have never felt safer anywhere," said salty old comedienne **Hermione Gingold**. "You have done a wonderful job to see that we don't get molested. Not that I've ever been, unfortunately."

Photo by W

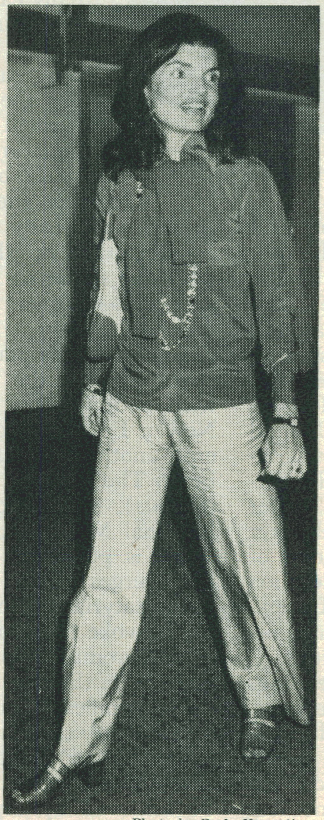


Photo by Rudy Kazooti

Garbo and Jackie in the *paparazzi* jungle

"I've lost 20 pounds since Ike died—10 pounds just this year," said **Mamie Eisenhower**, 77, interviewed by The Philadelphia Inquirer at her Gettysburg farm. "I always wondered if I'd be a fat old lady or a thin old lady. I guess I'm finding out." The former First Lady lives in a town full of monuments, and her personal favorite—naturally enough—is the statue of President Eisenhower in front of his old office on the Gettysburg College campus. "I always speak to him when I pass it," said Ike's widow. "During the winter I don't like seeing the snow covering his head."

It was Sen. **George McGovern's** turn to produce an "edited transcript"—at the Washington book-launching party for "An American Journey," a collection of the losing candidate's 1972 Presidential campaign speeches. "The only expletive deleted," deadpanned McGovern, "is an eloquent admonition delivered with great passion to a young man at Grand Rapids, who was invited to approach a strategic part of my anatomy with some tenderness." In mock dialogue between himself and an aide ("W."), "M." kidded his minimum-income campaign scheme: "It is true that on page 42, W. says, 'We could offer $1,000 to everybody.' M. says, 'But how much would that cost?' W. says, 'Gosh, I don't know. They'll never ask us about that.' M. says, 'That's right. It's $1,000, then, for everybody. We could do that.' But on page 205, M. says, 'But that would be wrong. That's for sure'."

Face Reading

Everybody knows that people's facial expressions contain clues to their moods. A smile is easy enough to recognize, but the face's subtler emotional indicators—tiny twinges and winces produced involuntarily by the facial muscles—are too fleeting to be noticed in all save the most expressive faces. Now, Harvard psychologist Gary Schwartz has devised a technique that picks up clues electronically and reliably reveals subjects' true feelings. The technique, known as facial electromyography, is already being studied to check the progress of clinically depressed patients receiving therapeutic drugs; eventually, it may come into its own as a direct form of biofeedback treatment for such victims.

Schwartz monitors the expressions of his subjects by attaching miniature electrodes to their skin above four facial muscles—generally the corrugator and frontalis in the forehead and the depressor anguli oris and masseter of the mouth and jaw. These electrodes pick up electrical signals that originate around the muscles. The signals are passed to an oscilloscope screen for interpretation.

Dan Bernstein

Detecting a mood: Sad smiles, glad smiles

Think: Schwartz and four colleagues at Boston's Erich Lindemann Mental Health Center set out to discover whether the device could detect moods self-induced by healthy volunteers. After wiring up his subjects' faces, Schwartz asked them to assume expressions of sadness, happiness and anger. He then told them to think about sad, joyful and enraging experiences without consciously adopting any give-away expressions.

By comparing the muscle readings from the overt and covert expressions, the psychologists were able to discriminate between happy, sad and angry thoughts, even when their subjects' expressions appeared to give nothing away. They also found that they could monitor the moods of patients who had been diagnosed as clinically depressed.

The 30-year-old Schwartz readily concedes that the device is far from foolproof, and can be cheated by any dedicated diplomat or poker player who makes a real effort to bury his emotions and adopt a stiff upper lip or a strained smile. "But the typical subjects we study come into the lab because they want to," he noted last week. "They're not interested in cheating the machine."

The Oversexed Bedbug

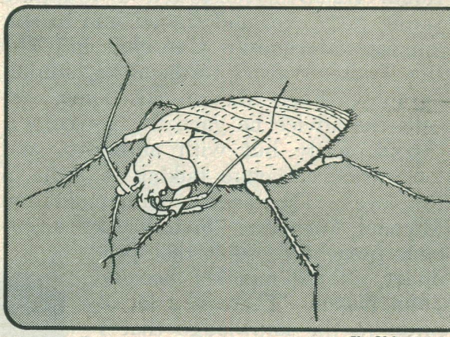
The June bug's got the golden wing,
The lightning bug the flame;
The bedbug's got no wing at all,
But he gets there just the same.
—Old folk rhyme

Bedbugs rank high among man's most ancient and peskiest minor scourges. Archeologists have found the remains of the malodorous, reddish-brown insects in Stone Age caves, in Etruscan graves and even in tomb-chambers deep inside the pyramids of Egypt. Bedbugs feed by digging their "beaks" into their victims by night and gorging themselves with blood. They also emit tiny yips of excitement when they come within sniffing distance of human flesh. During the Vietnam war, U.S. Army scientists actually came up with a bizarre plan to use the cry of the bedbug to help ferret out Viet Cong guerrillas. The idea was that the bedbugs, packaged in small capsules attached to miniature radio transmitters, would be dropped into suspect enemy hide-outs. If the enemy was really there, the bedbugs would start to yip, the transmitters would relay the sound to Army listening posts, and—zap!—another Red would bite the dust.

Somehow this plan was never put into operation, but the scientists' fascination with bedbugs has continued unabated. Now a French entomologist has discovered another fascinating attribute of the pests. The common bedbug (*Cimex lectularius*), says Jacques Carayon of the National Museum of Natural History in Paris, is possessed of a sexual appetite that verges on, if it does not surpass, acute satyriasis. And the methods bedbugs invoke to satisfy their lust seem also to be producing profound adaptational changes in the species, changes that may pose significant questions to accepted evolutionary theory.

Drive: For the typical male bedbug, says Carayon, sexual satisfaction seems to be achieved by copulating early, often, and in any and every way possible. "As soon as the bedbug becomes an adult," explains Carayon, "its sexual drive is extremely strong. For example, if a male comes near a couple of other bedbugs who are mating, he gets terribly excited, terribly fidgety, and immediately scrambles over to join the copulation, oblivious to whether his partner is male or female." And this is by no means the bug's most startling aberration. "The male bedbug never uses the female's reproductive tract," notes Carayon. "Instead, he punctures the abdomen of the female and inseminates her."

It is this behavior—now quite normal in bedbugs—that has produced the evolutionary puzzle. To cope with such "traumatic insemination," female bedbugs have developed, over a relatively short period of time in evolutionary terms, a kind of tube to carry the sperm to their ovaries. For their part, the males are also producing evolutionary changes to adapt to their sexual appetites. For example, protrusions on either side of the bedbug's penis that were originally used to open the female's orifice have over the ages developed into strong, needlelike instruments that are employed to puncture the abdomen of the partner and channel sperm into her or his body.



Ib Ohlsson

Bedbug: A real swinger

What puzzles Carayon, he told NEWSWEEK's Seth Goldschlager, is the fact that there is no obvious evolutionary reason for these developments. According to Darwinian theory, evolutionary modifications develop in response to a species' need to adapt to change, either an environmental one or a challenge posed by other species. The physiological changes noted in bedbugs, Carayon says, do not fit either of these conditions. A recent series of observations by the French entomologist on a type of bedbug known as *Xylocoris maculipennis* also seems to challenge Darwinian orthodoxy. When a male of this type inseminates another male, the sperm ends up in the second male's sperm ducts; any female bug inseminated by such a male thus apparently receives sperm from more than one male—a situation that seems to undermine the selectivity that is a cornerstone of evolutionary theory.

In fact, there seems no limit to the bedbug's sexual irregularity. Carayon's latest discovery is that males of an African species are developing sperm-carrying tubes like those of the females.

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BY PETE AXTHELM

Emancipation Proclamation

On one side of the pro football strike are the fat-cat owners, counting their profits and huddling behind their tax shelters while a slick public-relations team tilts public opinion their way. Opposite them are the ragged picket lines full of spoiled and greedy athletes who would rather ruin their sport than settle for their present well-heeled and glamorous life-styles. The owners stand for monopoly, indentured servitude and the cherished right of a man who inherits or buys a $16 million plaything to run it any way he pleases. The players want a brand of "freedom" that might make them almost as powerful, independent and arrogant as the owners. So runs the conventional wisdom that makes it very hard to take sides in this dispute.

But as the National Football League strike wears on, neutrality is becoming a luxury that football fans cannot afford. Thousands of us are stuck with high-priced season tickets that may entitle us to watch only rookies and marginal players who have chosen to play as scabs. Millions more could become so disillusioned with bad football—or no football at all—that we would actually have to resort to some useful endeavors to fill our Sundays and Monday nights. Further, the bettors and oddsmakers who support the billion-dollar football gambling industry face hours of troublesome study to adjust their handicapping to the new watered-down line-ups; worse yet, we might endure some dreadfully long weekends with no action at all. The mere thought of that last development compels me to offer a personal proposal to break the current stalemate and get us all back to the entertaining business of winning and losing games on blocked punts and holding penalties.

OUT OF BONDAGE

First of all, it should be pointed out that the widely held images of owners and players adumbrated above are not completely accurate. Some owners are intelligent businessmen who realize that they will have to make concessions to the players' union in order to survive. For their part, most players are not highly paid stars but journeymen with modest incomes and an average career span of five years; understandably, they want the bargaining power to make the most of those brief seasons. So despite all the angry shouting, there should be room for reasonable compromise on both sides. The problem is that the players want to discuss too many issues—and the owners want to talk about all the issues except the one that really matters.

The players have drawn up a tidy little list of 63 demands. The owners have agreed to negotiate on the "money" demands but refuse to touch the ones that deal with "freedom." Some of the most publicized player demands call for the elimination of curfews, fines and other disciplinary measures long associated with the paramilitary structure of football. But the most important center on the option clause and the so-called Rozelle Rule—the devices that tie a player to one club and make it almost impossible for him to put himself on the open market. The owners are willing to sweeten the pot with higher salaries or benefits, but they stonily reject the elimination of the option system. I suggest that they change their luck with a drastic turnabout: tighten up the cash offers and give the players all the freedom that they can handle.

INTO THE MARKETPLACE

Both sides might be surprised by the results. There are a lot of mediocre players, for example, who are striding the picket lines in the serene belief that if they could become instant free agents, various clubs would plunge into fierce bidding wars for their services. But many veterans making $30,000 might quickly find that on the open market their value is $25,000—or that there are no takers at all. Instead of hanging on with their clubs through the inertia that governs many pro football decisions, they could find themselves asserting their freedom to become unemployed.

Similarly, the owners conjure up visions of chaos, with players jumping from city to city and the best teams eventually buying up the talent and destroying the competitive balance that has been built by the common draft of rookies. But the fact is that the draft hasn't really created much balance: Oakland, Dallas and Miami always pick very late in the draft and get good players, while weak teams often get first choices and fail to improve. The reason for this phenomenon is simply that some general managers are smarter than others and judge young players more acutely. The same men will also be better in evaluating free agents—and the smartest of them, not the richest, will still be the ones who put together the best teams. The competitive balance will not change.

Only one group of players would gain dramatic benefits from the new system—and it happens to be the only group that merits real concern in this unsavory war. A lot of kids come out of small or predominantly black colleges with meager reputations and no legal advice; they sign at minimum salaries, emerge as stars—and still struggle to get paid what they are worth. Under the option system, such an athlete must either take what his club deigns to offer or play an extra year at a 10 per cent cut. Then, when he becomes a free agent, he finds it difficult to sign with a new club because that team will have to pay compensation—or have it dictated by the commissioner under the Rozelle Rule. (The rule is so intimidating that it has been necessary to invoke it only four times in a decade.) The new freedom would give those underpaid stars new leverage to sell themselves at fair prices—and give real meaning to the players' fight for freedom.

Some of the most tightfisted owners will suffer under this arrangement. One can imagine old George Halas's Chicago Bears dropping right out of the standings as he dismisses expensive quality players and stocks up on castoffs who will play on his minimum-salary terms. But any such imbalance in the NFL could be solved by still another good idea: a basic standard for owners. If an owner fielded a sub-.500 team for a given number of years—proving his inability to compete for talent—he could be ousted and forced to sell his team for the current expansion franchise price of $16 million.

THE SUREST BET

None of these steps, unfortunately, is likely to be taken this year. Instead, the war of nerves will continue. Fringe players will listen to their wives add up the bills, and some will reluctantly cross picket lines. Exhibition games will be played, and the pressure will increase for a settlement. Finally the players will accept a face-saving deal that provides plenty of cash but continues to duck the real issue. Everyone's image will have suffered and relatively little will have been gained. And the surest bet in football is that when the next contract expires, we will all be inconvenienced and annoyed again, until the patience of durable football fans finally wears thin—or somebody figures out a way to pencil freedom into the game plan.

Paul Szep—The Boston Globe

'Which is the best way out of these woods? It's getting dark,' said Alice. But the fat little men only looked at each other and grinned

How Many Lean Years?

The President's men had touted it as an important address on the nation's economy—and in one critical sense, the speech Richard Nixon delivered on nationwide television last week lived up to its advance billing. For Mr. Nixon seemed to confirm what his own economists had only suggested: that to master what the President called "the major problem confronting America today," the U.S. faces some lean years ahead, with unemployment very likely running somewhat higher and economic growth somewhat slower than the average of the post-World War II period.

Mr. Nixon didn't put it quite so bluntly. The President first rejected any kind of "swift, spectacular action" or "shock treatment." He would not return to what he called "the discredited patent medicine of wage and price controls." When he got down to discussing how he intends to control inflation, the President seemed to revert to Republican economic orthodoxy of slim budgets, credit restraint and less government regulation. Among his key points:

- He reiterated his determination to cut his proposed budget for the current, 1975, fiscal year from $305 billion to $300 billion and to veto Congressional spending programs that would crack the ceiling.
- He stressed that his old economics mentor, Federal Reserve chairman Arthur Burns, had pledged to keep the growth of the money supply in check, although not so tight as to cause a severe credit crunch.
- For the longer term, he said he intended to encourage increased productivity to hold down costs. He called for change in "obsolete rules"—Federal, state and local—that hamper efficiency, and cited building codes as an example.

Mr. Nixon also exhorted consumers to help fight inflation by holding down their spending. A cut of only 1½ per cent—or 15 cents on each $10 now spent—would mean an over-all spending decrease of $12 billion, he noted. But a drop of that dimension could slow down an already sluggish economy, and White House economic aides hastened to add that the suggestion should not be taken literally. Mr. Nixon just wants the public "to use discretion in purchasing," said economist Sidney Jones, a deputy assistant to the President. "We don't want a consumer boycott." Labor weighed in with a vigorous dissent. AFL-CIO president George Meany called the President's suggestion an "insult" to Americans, adding: "Consumers are already buying less because they can't afford today's prices."

But the President's pitch seemed to be directed mainly at his old constituency: the nation's business community. Many businessmen have grown increasingly worried that a President distracted by impending impeachment can hardly exercise economic leadership—and lately, Mr. Nixon has taken great pains to convince them that he is firmly in control.

Just two days before his address last week, for instance, he met with 32 businessmen and economists—the second such gathering in less than two weeks. At his side were economic counselor Kenneth Rush and Alan Greenspan, his newly appointed chairman of the Council of Economic Advisers (opposite page). Mr. Nixon got mixed reviews from his guests. One economist present summed up the spectrum of opinion. "If you favor innovation, this is not a time you would get it," he said, "and people who came to the meeting with suggestions were inevitably disappointed. For those who favor tight fiscal and monetary policies, it wasn't so bad."

Axing: Indeed, most businessmen want Mr. Nixon to swing a mean budgetary ax, and he should have little trouble making them happy. An increase in the proceeds from Federal offshore oil leases will provide the Treasury with an extra $2 billion in revenue during the current fiscal year, and, according to esoteric budgetary accounting, this becomes a "negative expenditure," or a cut. A Presidential order to trim 40,000 jobs from the Federal payroll will save another $300 million—and the rest, says one economist, "they can nickel and dime." Several top officials have provided lists of potential cuts. For instance, Treasury Secretary William E. Simon's staff offered a chopping list that could whomp off as much as $20 billion—ranging from $5 billion less for social security to $1 billion less for defense.

Monetary policy continues to pinch, and the big banks are scrambling for funds they need to meet customer loan

Conrad © 1974 Los Angeles Times

Funny money: Will it come to this?

demand. Last week, Citicorp, parent holding company of First National City Bank, raised $650 million by selling a highly controversial issue of "floating notes" that bear an interest rate pegged 1 percentage point above the prevailing rate on 90-day Treasury bills. Other big banks plan similar offerings.

So far, there is little to show for the nation's painful anti-inflation efforts, and next week the government will release the wholesale-price report for June showing another distressing large increase. But eventually, the program should begin to cut demand and the rate of inflation. How deep and how much is anybody's guess, but last week, at least one official body was anything but optimistic. The Organization for Economic Cooperation and Development in Paris reported that current U.S. policies would slow business so much that unemployment will reach 6¾ per cent within a year vs. 5.2 per cent right now—but prices will still be rising at a 9¼ per cent rate by the end of 1974.

In an interconnected global economy, the implications of a U.S. slowdown are vast—and the OECD now sees the need for something "closer to an expansive policy" in America. But last week, Richard Nixon made plain that expansiveness will be a long time in coming.

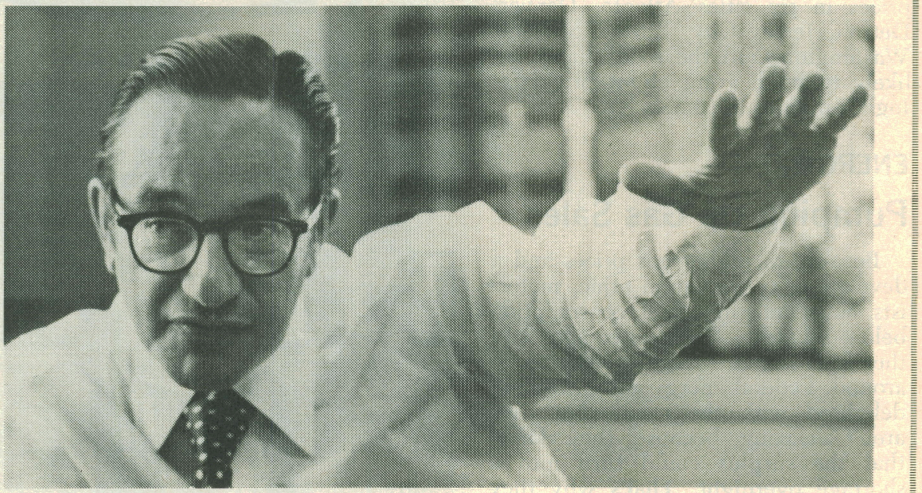
SUITS:

Big Beef Against A&P

Back in 1968, half a dozen cattle ranchers filed a lawsuit charging the nation's major supermarket chains with a pervasive conspiracy to keep retail meat prices high while holding down the prices they paid to meat packers and ranchers. The three largest chains—A&P, Safeway and Kroger—were named defendants, and all members of the National Association of Food Chains were listed as co-conspirators. Safeway and Kroger settled their parts of the suit early last year by agreeing to change their beef buying and selling practices and to pay $90,000 in lawyers' fees. But A&P decided to fight, and last week it appeared the battle would cost the giant food chain more than $30 million. A Federal jury in San Francisco found the big chain guilty of the charges and awarded triple damages of $32.7 million to the ranchers. Most of the amount, $25 million, went to rancher Dan Compton of Woodbridge, Calif.

The suit had charged that the chains orchestrated their scheme at NAFC meetings that had the appearance of harmless, run-of-the-mill trade-association gatherings. What the companies really were doing, the ranchers said, was agreeing not to compete on retail meat prices—thereby keeping those prices high—and not to outbid each other for wholesale meat, which kept ranchers'

FUNDAMENTAL FOUNTAINHEAD



Robert R. McElroy—Newsweek

Greenspan: Economic choices neither palatable nor pleasing

He rises slowly from a comfortable lounger in his richly appointed office 33 stories above the southern tip of Manhattan and, with quiet didacticism, preaches the gospel according to Greenspan. "We must reduce the aggregate financing bloat" both in the public and the private sector, he says. "Certainly you run a risk [of higher unemployment]. And the probability is that you'll get a sluggish, perhaps stagnating economy." But the risk must be taken because the current inflation is so dangerous. "If we allow inflation to run wild and get away from us now," Alan Greenspan warns, "we run the more serious risk of even higher unemployment down the road."

The talk is almost pure economic fundamentalism—less government spending, balanced budgets and a stern monetary policy to exorcise inflation. Greenspan is one of its most ardent believers, and on Sept. 1, when he replaces Herbert Stein as chairman of the President's Council of Economic Advisers, the 48-year-old economic consultant will get the chance to push his theories in an official capacity.

The bespectacled Greenspan does not think the CEA should be either a policymaker or a cheerleader for Administration economic positions. He turned down the CEA job earlier this year because, he says, "I felt I couldn't be very successful or function effectively." What changed his mind, Greenspan implies, was an acquiescence to his view of the CEA's proper role. "I want the emphasis on the word 'adviser'," he told NEWSWEEK's Michael Ruby last week. "I want to do the real analysis, to determine what is really happening in the U.S. and world economies and try and present what the consequences of various policies would be."

Give-up: In taking the $42,500-a-year job, Greenspan leaves behind a six-figure annual income and a career as one of the leading economic consultants to big business. A graduate of the New York University School of Commerce—he does not hold a doctorate in economics—Greenspan joined the Conference Board in 1948. Later, he formed a partnership with stockbroker William Townsend. When Townsend died in 1958, Greenspan became almost sole owner of Townsend-Greenspan & Co., Inc., which now provides economic analysis and advice to 100 large corporations.

Along the way, Greenspan grew into a staunch advocate of philosopher-novelist Ayn Rand's conservative view of economics—a belief in the morality and ultimate efficacy of total *laissez-faire* capitalism. "He's as conservative a guy as I know," says Charles Schultze, a Brookings Institution economist and former budget director under President Johnson. "But strangely enough, the liberal economists who deal with him find him a good guy. He argues on the issues. He feels that government is far too big, but he's savvier than Simon about how far you can go. He's fairly realistic."

The current reality, as Greenspan sees it, "confronts us with options, none of which is palatable or pleasing." The worst among them is allowing a high rate of inflation to continue—thus his support for the restrictive fiscal and monetary policies now in effect. How long should they last? "My best guess, and I emphasize both 'best' and 'guess,' is one to two years," Greenspan says. "But it's hard to tell. We've never been in this kind of circumstance before."

prices low until the big upswing in cattle prices of 1973.

After the decision, A&P maintained that it was innocent and said it would seek a retrial. "The verdict is shocking," a spokesman said. A&P's problems with the suit may be just beginning. The ranchers' lawyer, Joseph M. Alioto (son of the San Francisco mayor), said he would ask the court to make the suit a class-action case, allowing any other rancher who may have been hurt by A&P's alleged action to claim damages. The opportunity might be limited to the 1,000 or so who contributed money to bring the suit, or it could be open to every rancher in the U.S., said Alioto.

That isn't the full extent of A&P's woes. This week, the chain is scheduled to go on trial in two separate cases brought by the Federal Trade Commission—one charging false advertising and the other alleging restraint of trade. But A&P is hardly being singled out. The FTC has just launched an investigation of food prices in six cities—Atlanta, Denver, Detroit, Jersey City, Little Rock and Washington—and the food chains are likely to be hearing about price fixing for months to come.

ENERGY:

Pumping Up Gas Sales

Because of higher gas prices and a developing conservation ethic, motorists have cut their fuel consumption below what it was a year ago, and there's now more than enough to go around. Federal energy authorities are delighted with the trend, but they aren't relaxing because they know that the surplus could turn into a shortage overnight. That's why they are disturbed by reports that a number of large oil companies, stuck with unsold allocations, are now pushing their dealers to sell more gasoline. NEWSWEEK has obtained copies of letters sent by five major companies—Shell, Standard of Ohio, Mobil, Texaco and Gulf—importuning dealers and jobbers to increase their volume. Some of the letters contain thinly veiled threats to cancel the leases of dealers who fail to deliver.

The companies usually suggest that station operators return to the night and Sunday hours stipulated in their leases—hours the companies let them abandon when the Arab oil embargo led to shortages. Judy Berger, co-owner of a Winnetka, Ill., station, says: "My company came to me and told me, 'Your allocation this month is larger. We expect the gas to be sold. Do whatever you have to. Stay open later'." James Cresente, president of the Northern Ohio Petroleum Dealers Association, bluntly charges: "The majors are sending out Black Hand letters—'sell or get the hell out of the business'."

Many dealers fear that the big companies want more than simply to move their allotments and maximize short-run profits; they say that the majors are trying to squeeze out independent operators who sell their products and to take over more of the stations themselves. Forcing the dealers into longer hours could cut their profit margins to the point where many might consider quitting the business. For instance, an Ohio dealer who experimented with Sunday openings found that, because of extra labor and other expenses, he lost more than $2 on every gallon of gas he sold. Some dealers charge that company-owned stations are actually underselling

Gene Spatz

Gassing up: From hard-to-get to hard sell

them in an effort to drive them out.

The oil companies admit that they sent the letters urging increased sales, but they deny any intention of illegally coercing the dealers or of undermining the nation's conservation effort. "The dealers have been spoiled by shorter hours and fat margins. They are crying wolf again," says one oil lobbyist. The oilmen insist that they are only trying to get the stations to sell the monthly allocations of gas permitted by the government and to return service to its pre-embargo levels. Mobil says many customers complain that they can't buy gas at night or on Sunday. "We don't think that making gasoline available to motorists when and where they need it, within the Federal Energy Administration allocation program, is incompatible with conservation," the company says. "We are not urging people to get out and use more gas." Still, the company's letter clearly urged dealers to sell more.

Responding to questions about Gulf's letter, president Z.D. Bonner of Gulf Oil Co.-U.S. denied that the company is pressuring its dealers. But he conceded to NEWSWEEK that a letter sent to Los Angeles operators "is not the way I would have written it." Gulf subsequently sent a follow-up message asserting it supports conservation.

The latest flap between the companies and their dealers stems from a surplus of gasoline that has developed in the four months since the oil embargo was lifted. Nationally, demand for gas is slightly below what it was a year ago and gas inventories are up 10 per cent. Charles Shipley, executive director of the Service Station Dealers' Association of Michigan, says his state had a gasoline surplus of 30 million gallons last month. Standard Oil of Indiana reports that its available supplies were 1 million gallons a day more than in July 1973.

Crazy: In more normal times, the majors would get rid of the surplus by cutting prices or by selling it to independent cut-rate marketers. But not today. One Los Angeles dealer suggested he could sell more if he reduced his pump price by 1 cent a gallon, with the company absorbing three-quarters of the cut. "My sales representative looked at me like I was crazy and just shook his head 'no'," relates the dealer. And if anything, the majors seem to be doing their best to keep oil and gas away from the independents. Under FEA allocation rules, the majors were supposed to supply the independents with 83 million barrels of crude oil in the second quarter. But some companies have failed to meet the rules fully—and the independents wound up with only about 75 per cent of what FEA said they were entitled to.

"The majors don't want to be left with an unsold surplus from allocation," one FEA official points out, "because the rules say they must turn it over to us [for possible reallocation]. So it's in their interest to cram it down their dealers' throats." Meanwhile, the independents' share of the retail gasoline market has plummeted from 28 per cent in 1972 to 18 per cent this May.

The companies could also reduce surpluses by cutting back their refinery output. But their current strategy is to run more gas through the pumps—and that policy could lead to trouble. The Senate Commerce Committee this week is expected to complete work on a bill to protect independent dealers against having their leases canceled arbitrarily. And FEA chief John Sawhill says: "Hard-sell tactics that tend to expand gas sales are not in the national interest. If we find these reports [of coercion] are correct, we'll take steps to stop them."

Going Underground

Strip mining may be an environmental horror, but it seems essential to Administration energy planners and the coal industry if the U.S. is to reach the Project Independence target of energy self-sufficiency by 1980. But the House of Representatives delivered a heavy blow to Project Independence plans last week; in a surprisingly decisive—and probably veto-proof—291-to-81 vote, the legislators passed their version of what will probably become the nation's first Federal law regulating strip mining. Similar to the tough strip-mining bill passed by the Senate last fall, it requires strip miners to return the land they dig up to roughly the same condition it was in when they found it. That requirement may well alter significantly the way the U.S. exploits its energy resources over the next decade.

The bill virtually forecloses the possibility of widespread strip mining of the West. It represents a heartening victory for an unlikely amalgam of environmentalists, Eastern coal states, conservative ranchers, Western politicians, consumer and labor forces. The strip-mining opponents feared that the coal industry would "Appalachianize" their region; making it, as Senate Majority Leader Mike Mansfield of Montana warned, "the utility backyard for the rest of the nation." Among other things, the bill bars strip mining in the arid and semi-arid alluvial valleys of the West, and it forces mining companies to get permission from ranchers before mining federally leased coal from under their land.

Price Tag: What's more, the bill is likely to curtail strip mining elsewhere by setting reclamation standards that will be difficult and expensive to meet. Strip miners will be required to refill the huge gashes their mammoth scooping machines carve in the landscape, carefully preserving and replacing the topsoil they turn up. They will have to revegetate the waste piles they create and no longer will they be allowed to leave the ugly "highwalls" of debris their machines heap up at the rims of surface mines; there are an estimated 20,000 miles of highwall in Appalachia alone. Industry officials estimate all this will cost at least $2,000 an acre. At the current level of strip mining—which is sure to fall off sharply once the bill becomes law—coal companies would have to spend more than $500 million a year to comply.

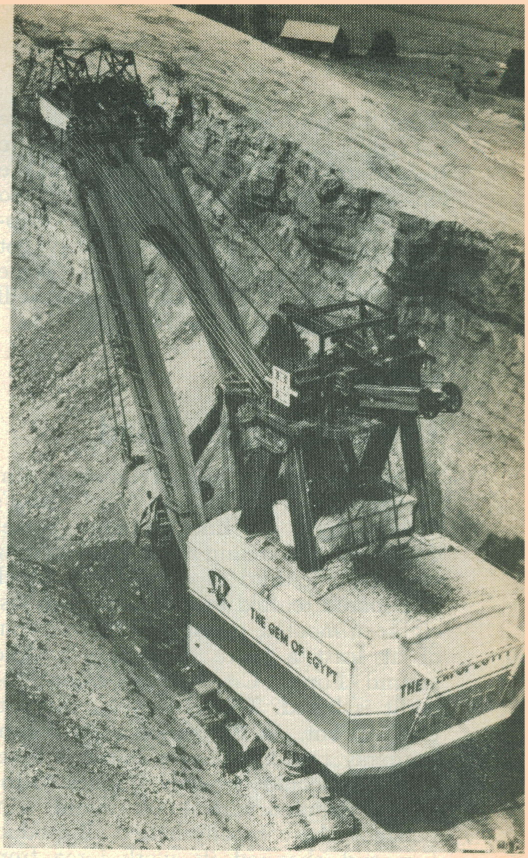
What this means is that the coal industry is going to have to start re-emphasizing deep mining, which now accounts for less than half of the nation's total coal production vs. more than 80 per cent three decades ago. And that means a big change in Administration plans to double annual coal output to 1.2 billion tons by 1980. That extra 600 million tons was supposed to come mainly from increased strip mining in the West.

In this sense, the House vote seems to have settled the hotly debated question whether the U.S. should concentrate future coal production on Western surface resources and abandon Appalachia's vast storehouse of deep, low-sulfur coal. The coal industry was eager to exploit the West because strip mining is easier, safer and cheaper than deep mining. But environmentalists and the people who live in the region had different ideas.

Ripoff: They pointed out that strip mining in the East has ravaged more than 3 million acres of land—and pours about 1 million tons of acid each year into Appalachian rivers, leaving more than 10,000 miles of waterways unfit for fish or people. "I don't believe we have to have our state ripped off, our land torn up and our water used to meet energy needs," Montana Gov. Thomas Judge told NEWSWEEK's James Bishop Jr. "I don't believe our responsibility to this country goes that far."

In any case, opponents of strip mining were quick to argue that Western coal is really a fool's bargain. Though it might be easier to mine, the cost of transporting it to users in the East would negate most savings. The heating efficiency of Western coal is also much lower than that of Eastern coal; nearly twice as much has to be burned to achieve the same energy output. In addition, an unpublished Interior Department study concludes that heavy reliance on Western coal to meet U.S. energy goals would deplete this resource by 1995.

These arguments helped convince the House that the nation can meet its energy needs without strip-mining the



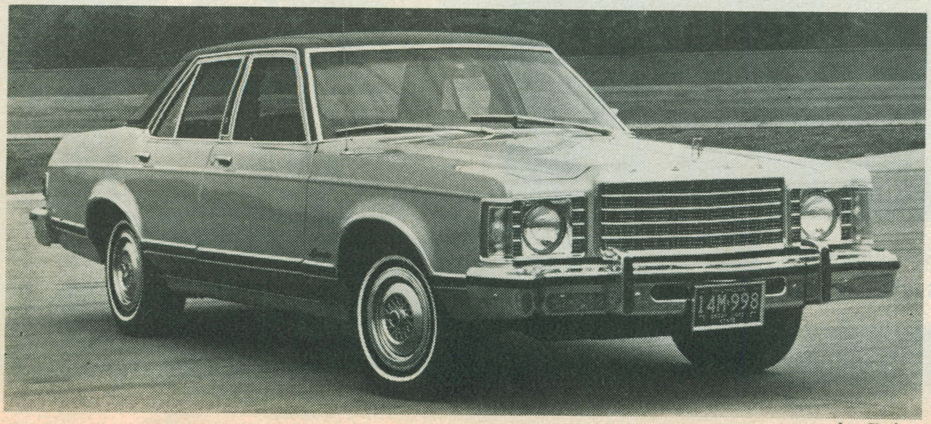
Rotkin—P.F.I.

Ohio strip mine: Saving the West

northern Great Plains. "Let's face it," argued GOP Rep. Stewart McKinney of Connecticut, "coal which can be surface-mined accounts for only 3 to 18 per cent of our reserves. Sooner or later we are going to have to go underground."

Coal-industry officials concede that the economic advantages of Western coal are illusory, but they insist that they can't increase deep underground mining fast enough to keep pace with the demands of Project Independence. "If this country is serious about doubling coal production, then the House bill is inconsistent with that national goal," insists president Carl Bagge of the National Coal Association. To rush things, the coal men insist, would mean compromising safety standards—and deep mining already causes six times the fatalities that surface mining does. "There is no way to increase underground mining without killing more people," insists an NCA executive.

But Congress has evidently had it with strip mining. "We're either going to re-



Joe Clark

A LITTLE LUXURY

If energy-conscious Americans are losing their affection for big luxury cars, then how about a compact luxury car? Ford Motor Co. believes they'll take to the small but tasteful vehicles, and thus it is bringing out its new Granada in September. The Granada weighs in at 3,408 pounds and is almost 198 inches long. While those are ample measurements, the new vehicle is a good half ton lighter and 2 feet shorter than most full-size cars. Its price will be anything but compact. Fully equipped, the Granada will reportedly go for about $5,000.

claim the land and do it right, or we're not going to mine," vowed Democratic Rep. Morris K. Udall of Arizona. And the lopsided vote made that message too clear for even the most diehard strip-mining advocates to ignore. "They got what they wanted," a resigned Bagge said last week. "The coal industry will go back underground in the East."

AUTOS:

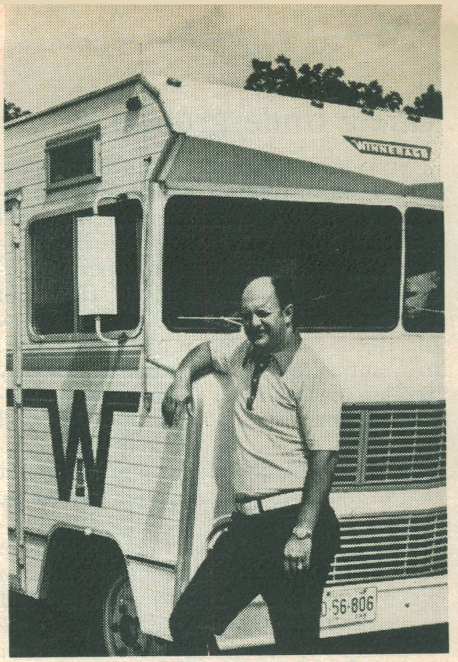
The Comeback Road

Just three years ago Winnebago Industries, Inc., was one of Wall Street's highest flyers. Its line of motor homes dominated a booming market, accounting for fully one-third of all sales. Its stock had soared tenfold to $43 a share in just eighteen months, making millionaires out of at least a score of people in and around Forest City, Iowa, where the outfit is based. Then last year, the bottom fell out. As the nation's gas pumps suddenly ran dry, buyers shunned a vehicle that could get only 7 miles to the gallon. Saddled with 4,000 unsold Winnebagos, the company halted all production and chopped its work force from 3,200 to 850. The stock plunged to less than $3, and pessimists figured Winnebago might be finished.

But the doomsayers clearly hadn't counted on a dramatic easing of the gas problem—or the retailing flair of John K. Hanson, 60, the onetime furniture dealer and undertaker who founded the firm fifteen years ago. Moving boldly, he started promoting the recreational vehicles in print and on the air and giving away everything from TV sets to polyethylene canoes to every purchaser. Obviously, the easing of the fuel squeeze was critical, but just as obviously, the energetic campaign waged by Winnebago's chairman helped spur one of the neatest corporate turnarounds in recent memory. Only a few months after being written off, Winnebago was clearing its lots of surplus vehicles last week, hiring more workers and stepping up production. As a result, the company, which lost $7 million in the fourth quarter of its last fiscal year, edged back slightly ($250,000) into the black in the fiscal quarter that ended May 25.

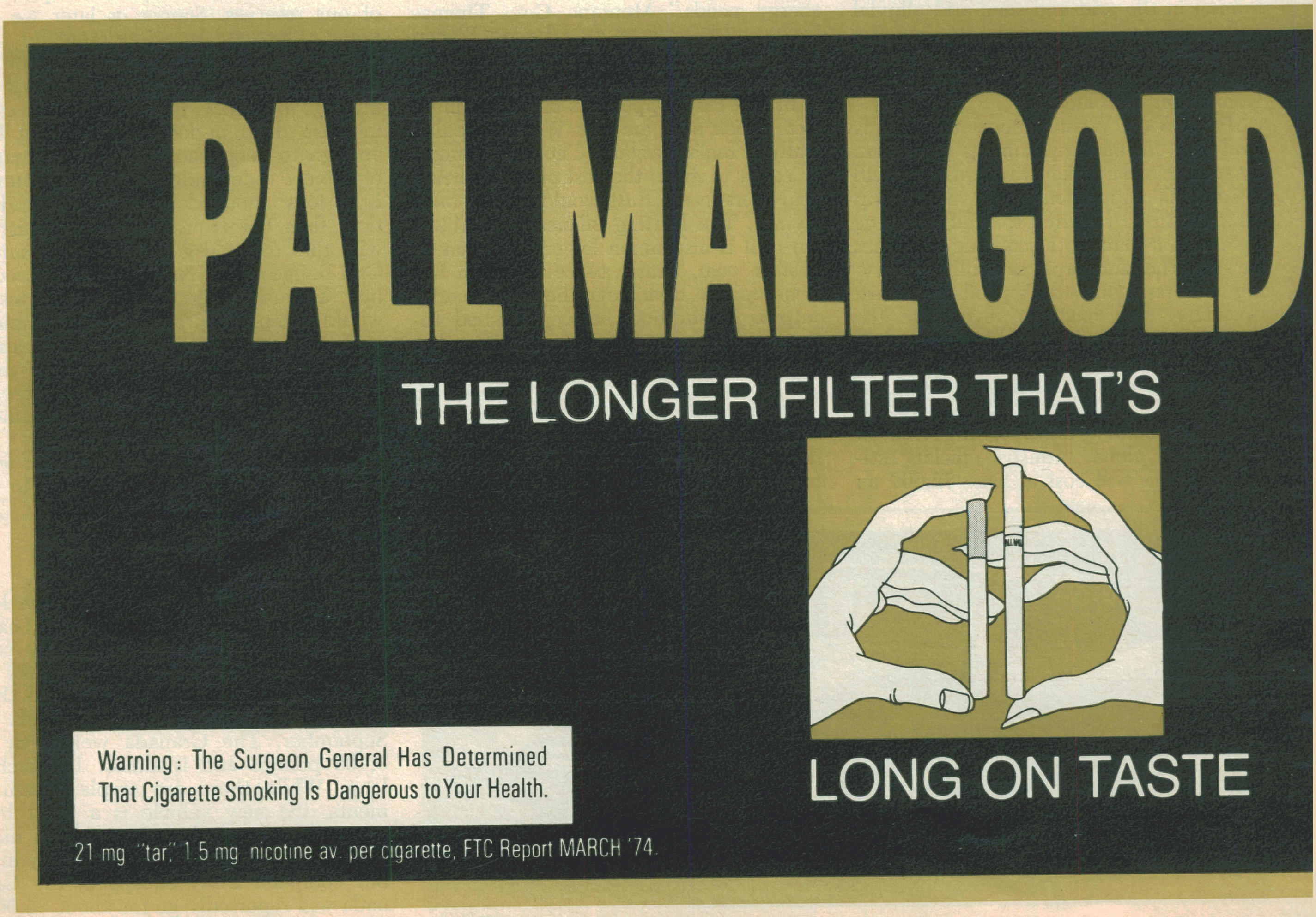
Scream: What's more, says the company, buyers are clamoring for the motor homes even though the giveaways have ended—and demand is greater than Winnebago can easily satisfy. "Our dealers are screaming for merchandise," says John V. Hanson, the firm's 32-year-old president and son of the chairman.

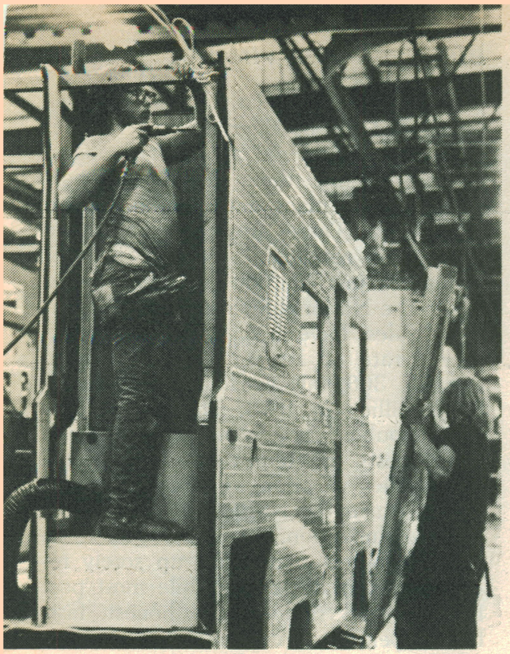
The surge is good news for Forest City, whose 4,500 people rely heavily on Winnebago for jobs. In spite of the difficulties, "people in the town were super last winter," John V. told NEWSWEEK's Elaine Sciolino. "They really backed us."



Winnebago's John V. is bullish . . .

People identify closely with the manufacturer because to some extent they feel they had a hand in forming it. Back in the late 1950s, when the town seemed to be dying, residents put up money to retool a vegetable cannery and establish a factory to build trailers for a small West Coast manufacturer. The venture flopped, but the elder Hanson was able





Photos by Elaine Sciolino—Newsweek

. . . as production lines roll again

to buy the inventory at bargain prices. He revamped the operation and geared it to produce motor homes for what he sized up as the growing recreational market. By the late 1960s, Winnebago was doubling its sales and earnings each year. In fiscal 1973, sales amounted to a record $212 million and profits were $19.4 million.

Hanson realizes that he has a long way to go to get the company back to where it was. Winnebago's current force of 2,200 workers is still well below the 1973 high. And although production is rising steadily, it is still running at only one-third the 1972 pace, when the firm turned out 600 vehicles a month.

Bears: In fact, not everyone is convinced that Winnebago will ever match its old performance, and its stock is only back to $5.25. One broker believes the firm's upswing is "possibly temporary," mainly reflecting pent-up demand from the energy crisis. He also fears that high interest rates will prevent many prospective buyers from financing the vehicles, whose average cost is $8,675. There may be other problems, too. In a number of states, there is pressure to restrict the use of motor homes on the grounds that they clog highways, menace other motorists and cause sanitation problems.

Nevertheless, the Hansons are bullish on Winnebago, and they're already moving to avoid some of the potential pitfalls. Very shortly, Winnebago will add a low-cost motor home to its regular line. The company is also diversifying into different vehicles that are more utilitarian and that guzzle less gas—such as minibuses and light delivery trucks and grain-hauling trailers. Beyond these moves, the Hansons assert that the company is simply stronger because last year's gasoline woes drove many weaker competitors out of the market, leaving a larger share for Winnebago. John K. says he will be "very unhappy" if Winnebago's sales next year don't set a new record.

FRAUDS:

Pool Sharks

Last Oct. 16, Fred Bomka of Canoga Park, Calif., brought home a bottle of champagne that was to be opened in mid-November, when the new swimming pool he had ordered was scheduled to be finished. He put the bottle of Mumm's '71 in the refrigerator and went out into the backyard with his wife to survey the first day's digging. Since then, the untasted celebratory champagne has been moved to a kitchen cabinet—and the pool has turned into a $13,000 disaster. For some still unexplained reason, the builder stopped work on the pool, and now, says Bomka: "What we have is a 12-foot-deep hole with 2 feet or more of stagnant water and debris. I still don't know when the pool will be finished."

The Bomkas' dream-turned-nightmare is an increasingly common phenomenon. The swimming-pool business is in the midst of an unprecedented boom, and that has created an atmosphere in which fly-by-night outfits have little trouble bilking unwary consumers. Thanks to the

BY MILTON FRIEDMAN

A NEW HOLIDAY

As the quiet succeeded the fireworks (ever more muffled thanks to consumer "protection" laws) on the Fourth of July, it occurred to me that this country needs a new holiday to complement our national Independence Day. The new holiday would celebrate our Personal Independence Day—that day in the year when we stop working to pay the expenses of government—Federal, state and local—and start working to pay for the items we severally and individually choose in light of our own needs and desires.

The new holiday would, of course, have a variable date. As the accompanying table shows, total government spending has grown from about 10 per cent of national income prior to 1929 to about 40 per cent today. Over the same period, the relative role of the Federal government and state and local governments has been reversed. In 1929, state and local governments spent more than twice as much as the Federal government; in 1970, the Federal government spent almost twice as much as state and local governments. As he grew, Big Brother moved from town hall and state capitol to Washington.

This change is mostly a product of the past 40 years, dating from the onset of the New Deal. For the first century and a half of our nation's existence, total government spending—so far as we can judge from the meager data available—never exceeded about 10 per cent of national income except in time of major war. And state and local spending was throughout roughly twice as large as Federal spending. Total spending as a percentage of national income nearly doubled in the decade after 1929, and then nearly doubled again in the next three decades.

FROM WINTER TO AUTUMN

Our forefathers would have celebrated Personal Independence Day in dead winter, and our fathers as winter was turning to spring. We would now celebrate it in late spring. If the trend continues, our children will celebrate it in summer, and our children's children in autumn.

A simple statistical extrapolation from the dates recorded in the table for 1929 and later years gives 1988 as the year when Personal Independence Day would coincide with national Independence Day, July 4—though by the time that happens Big Brother may not permit innocent merriment to call attention to his encroachment on our lives and, of course, all signs of fireworks will have disappeared under the disapproving frowns of the NARJFL—the National Administration to Remove Joy From Life.

The variable date of the new holiday is an advantage. Congress or the President would be required to declare the date each year. This would force the one or the other to inform us each year, as neither does now, how much government as a whole is costing us. Such a public announcement might well be more effective

GOVERNMENT SPENDING AS PERCENTAGE OF NATIONAL INCOME

Year	Federal	State and Local	Total	Date of Personal Independence Day
1900	3.4	6.1	9.5	February 4
1929	3.0	8.9	11.9	February 12
1940	12.3	10.4	22.7	March 23
1950	16.9	8.3	25.2	April 2
1960	22.4	10.4	32.8	April 29
1970	25.5	13.6	39.1	May 23
1988	—	—	50.8	July 4

Sources: 1929-70, "Economic Report of the President," 1974; 1900 and 1988, author's estimates

than the recent, much-vaunted Congressional budget reforms in imposing some discipline on government spending and perhaps reversing the trend. Moreover, it would enable political candidates dedicated to enhancing our individual freedom to have an easily publicized slogan: "Return Personal Independence Day to March 31" or whatever other date can be made to appear feasible.

Of course the date of the Personal Independence Day that is recorded in the table is a national average. The correct date differs from state to state. Maybe, once a national Personal Independence Day is established, individual states will take steps to establish a state Personal Independence Day.

Can you think of a more attractive competition among states than for them to strive to see which can have the honor of having its holiday the earliest?

development of relatively inexpensive vinyl-lined pools, thousands of families who once considered a backyard pool a luxury beyond their reach are now sketching up plans and plunking down hard cash. There are now more than 2.5 million residential pools in the U.S. as against just 171,000 in 1960, according to the National Swimming Pool Institute. Sales have been increasing at a steady rate of 10 per cent a year, to around 300,000 worth approximately $600 million in 1973. The growth rate may double this year because high travel costs are tempting many people to take their vacations at home.

But, warns the NSPI, a 1,700-member trade organization, up to 6,000 of those new customers may wind up sorely regretting their decision. While most pool builders and retailers are honest, fast-buck operators will defraud consumers of more than $25 million this year, according to the NSPI. "For six years, we've observed this situation grow from a few isolated instances in the Northeast to a massive operation that encompasses most of the East Coast, continues west well beyond Chicago and has cropped up in such places as Denver and the far West Coast," says NSPI executive vice president Robert H. Steel.

Bait: The most common ploy the pool sharks use is the old "bait-and-switch." The Pennsylvania Bureau of Consumer Protection recently uncovered a firm that was advertising swimming pools for $589—but, in fact, had never sold one for less than $2,500. In Atlanta, investigators found that the bargain-priced pools being advertised by one outfit accounted for less than 2 per cent of its sales. Other pool sharks charge extra for such things as filter system, ladder, skimmer and heater, none of which is included in their bare-bones advertised price.

A typical victim is Victor Eanniello, a 38-year-old salesman from Danbury, Conn. He saw an ad for a $2,000 pool and called the company. The salesman quickly discouraged him from buying the advertised model, claiming it wouldn't be adequate for his needs. What Eanniello really wanted, the salesman said, was the $3,300 model. Financing wouldn't be a problem, the salesman added, since the pool company would be glad to arrange for a bank loan that would raise the pool's total cost to "only" $4,700. "I fell for it hook, line and sinker," Eanniello recalls bitterly. His pool turned out to be totally defective; indeed, the NSPI's Steel says: "These higher-priced pools are, in most cases, not much better than the junk merchandise offered in the bait ads." Eanniello tried to contact the pool company, only to find it had gone out of business.

That last touch is, unfortunately, as common as it is frustrating. The files of consumer-protection agencies around the country bulge with case histories of fly-by-night pool dealers who literally flew by night. The Federal Trade Commission, which is investigating pool frauds,

traced one outfit through six states. The firm would set up shop, fleece a few customers, close down and open up somewhere else under a new name.

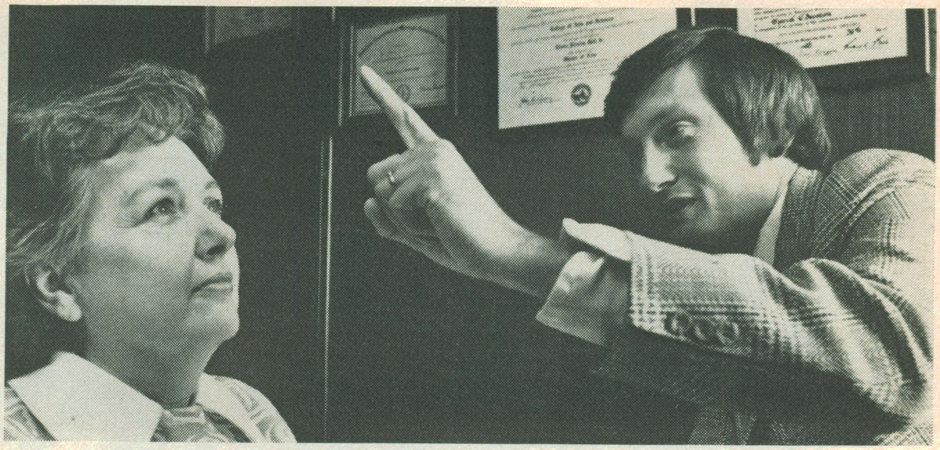
But even companies that stay in one place may be unscrupulous. Many use indecipherable contracts and misleading warranties that legally obligate customers to pay thousands for a pool that is practically worthless.

Buck-Passing: The problem is aggravated because the home-swimming-pool industry is segmented. The manufacturer sells parts to a retailer who subcontracts work to an installer. "This arrangement puts the consumer in a difficult position because he has trouble finding out who has responsibility for honoring the pool's guarantee," notes director Richard A. Givens of the FTC's New York office. "He goes to the installer who tells him to go to the retailer who tells him to go to the manufacturer who tells him to go back to the retailer." That's what happened to Joseph Moreau of Lexington, Mass., whose 25-foot above-the-ground pool collapsed without warning on the Fourth of July. The outfit that sold him the pool said it would contact the manufacturer. "But it's been over three weeks," Moreau complains, "and I haven't heard anything."

In a situation like that, there's not much the unhappy consumer can do. In fact, the only way a prospective pool buyer can really protect himself is by taking extreme care before he signs a contract. Experts agree that at the very least a would-be pool owner should make sure the dealer has a substantial place of business, look at other pools the dealer has already installed, never pay the full amount in advance and, above all, consult a lawyer before signing anything. In other words, *caveat natator.*

Dan Bernstein

Moreau's ruined pool: Whose fault?



Ron Sherman

Hypnotist Hall: To catch a thief, turn back the clock

Hypnosis for Witnesses

Just after midnight last June 23, the sheriff of Polk County, Ga., answered a burglar alarm with one of his deputies. Almost immediately they spotted a truck, which they forced to the side of the road. The sheriff got out to investigate, but as he approached the truck its driver pulled a gun and started firing. He killed the sheriff outright and wounded the deputy in the leg, then disappeared into the night.

When police officials questioned the wounded deputy about the incident, they found he could give only a vague description of the killer and his truck; the night's traumatic events had wiped the specifics from his memory. Stymied, chief of police Bobby Burch decided to call in outside help. Psychologist Edwin Hall, an experienced hypnotist, was summoned to delve for the details in the deputy's troubled subconscious.

Dr. Hall put the deputy in a trance and led his subject backward in time, day by day, until he reached the date of the shooting. "Slow the action down," he ordered. "Let everything happen in slow motion like you're watching it on TV. Now describe everything you see." The deputy complied: "I'm getting out of the car. He's got a gun!" he shrieked. "Stop the action," Hall instructed. Once the deputy calmed down, he was looking, in effect, at a still picture of the crime. Hall could ask him how the killer was dressed, what he looked like, what color and make his truck was. "We haven't captured the suspect yet," reports police chief Burch, "but we now know whom to look for."

Dr. Hall has conducted about three dozen hypnotic examinations of witnesses, victims and suspects for police officials, district attorneys and defense attorneys in Georgia and Alabama. And the American Institute of Hypnosis reports that hypnosis is catching on in many other areas too as a means of getting at the truth in criminal investigations. In Orlando, Fla., police started using hypnotic consultants five years ago to help determine suspects' guilt or innocence. Police departments in New Jersey and Kansas have staff hypnotists. The Los Angeles and San Antonio police departments use hypnosis almost routinely.

About three out of every five people can be hypnotized, but they must be willing to allow themselves to sink into a deep trance. This of course rules out the use of hypnosis on suspects who are afraid their revelations may be incriminating, but makes the technique extremely useful for prodding the memories of cooperative witnesses or victims of a crime. "Most of the time," Dr. Hall told NEWSWEEK's Janet Huck, "you save the police a few days of legwork by coming up with a fact or two." In 1972, for example, a woman was kidnaped at a Georgia shopping center. Two children witnessed the event, but were unable to recall a single detail about the kidnaper or the van he used. Under hypnosis, however, the children remembered the name on the van, and the police tracked the culprit down.

Inadmissible: Like information gleaned under truth serum and through lie-detector tests, testimony given under hypnosis is not admissible in court—largely because hypnotized subjects are deliberately submitting themselves to the hypnotist and are thus anxious to please him. Some lawyers question whether the technique belongs anywhere outside a magic show. "I wouldn't use a hypnotist any more than I'd use a seer or a mystic," scoffs one Georgia attorney.

But since 1958, the American Medical Association has accepted hypnosis as a valid technique, and a number of judges are inclined to give some weight to hypnosis-induced testimony, particularly if there is strong corroborating evidence. "Here's where science can save the taxpayers a lot of money," says Dr. William Bryan, head of the American Institute of Hypnosis. "The jury, after all, is just twelve lie detectors and they're not as scientific as a polygraph machine, the truth serum or hypnosis."

Thomas Höpker—Woodfin Camp

A brink-of-death existence in an area as large as the U.S.: Ethiopians devour emergency food rations

Africa's Disastrous Drought

By ANDREW JAFFE

On the outskirts of Niamey, the capital of Niger, 20,000 nomads cluster in a pocket of disease and pestilence that passes for a refugee camp. The smelly four-day-old carcass of a donkey rots in the sun near the camp's main waterhole, and children—their bellies bulging from untreated parasites—play nearby. "There is almost no malnutrition here," says a complaisant Red Cross worker. But just then several mothers pass by carrying babies with yellowish hair and skin like papier mâché. They are suffering from marasmus—progressive emaciation.

At a camp in Dessiye, Ethiopia, 6,000 barefoot peasants huddle together for warmth as they wait for food. Some are half naked; others cling to rags so filthy that they are alive with flies and lice. Many of the children show signs of pneumonia and tuberculosis, and much of the camp is afflicted with crippling diarrhea. To while away the time, the children make long whips out of hemp and then lash each other in cruel delight.

In camps across north-central Africa, 1.5 million men, women and children are leading a brink-of-death existence. They are refugees from the great drought that has scourged sixteen African nations for several years (map, page 59). At best the camps provide the barest food and health care; at worst, they are hellholes. But the Africans who inhabit the camps are, in a way, the lucky ones. Another million Africans have already died of hunger and disease. Five to 10 million more are starving in the African bush or the slums of drought-area towns. The African drought is one of the great catastrophes of the twentieth century. And the response of the world community and the African governments themselves has, in many ways, only compounded the tragedy.

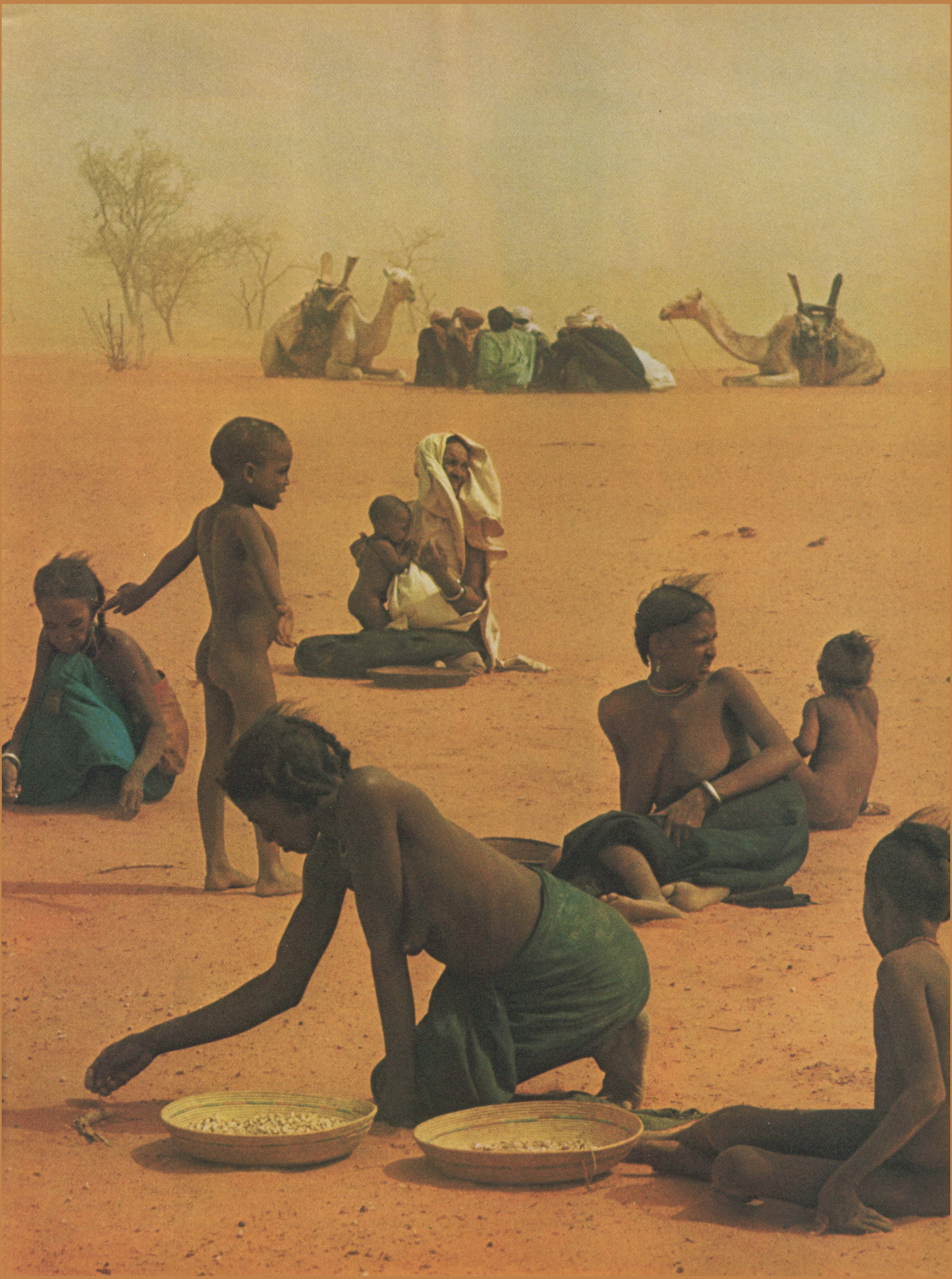
The drought began in the Sahel—an arid savanna that stretches across six nations on the southern fringe of the Sahara desert. The natives of the Sahel are among the world's poorest people—ragged, cattle-raising nomads and subsistence farmers. When the region's meager rainfall failed in 1968—the result of a change in the global weather pattern—25 million Africans were soon hard pressed for a living. As the brutal dry spell continued and desperate nomads cut down trees and shrubs to feed their starving cattle, the Sahara itself moved southward at a rate of 30 miles a year. Eventually the drought spread east into the provinces of northern Ethiopia. "We have eaten more sand this year than in our thirteen years here," one European missionary in Western Niger told me. "There is not enough vegetation to hold back the desert." Today, in an area the size of the continental U.S., the streams and watersheds of north central Africa are dusty, rocky beds. Even Lake Chad, one of Africa's principal bodies of water, has been reduced to a sea of mud and small ponds.

The reaction to the drought is an unedifying tale of official incompetence and inactivity. As herds died, hungry Africans by the hundreds of thousands began to drift to the edges of towns and cities. But the pride—or terror—of the governments concerned kept them from admitting the scope of the problem or sounding a timely alarm. This was particularly true in Ethiopia, where local officials long ago reported to the Cabinet that a northern famine had begun. When frantic men, women and children fleeing drought-stricken Wollo province appeared near Addis Ababa, authorities locked them up and left them to starve. A military coup has since overthrown the government of Ethiopia, and an investigation of this official indifference to the famine is under way.

Hushed Up: To make matters worse, the vaunted "early warning system" of the U.N. Food and Agriculture Organization (FAO) first began reporting crop failures and food shortages in the Sahel in September 1972—years *after* they began. Though by then the situation was critical, it was a full eight months before FAO Director-General A.H. Boerma set

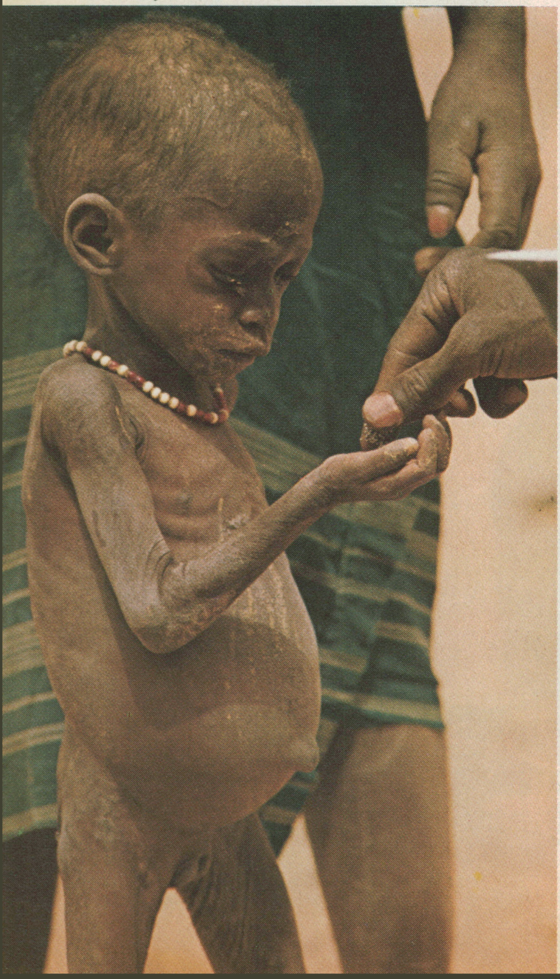
Catastrophe in the Sahel: Nomad in Mali sift the desert, grain by grain for food air-dropped by French Arm planes.

Alain Noguès—Sygma



Photos by David Burnett—Gamma

Henri Bureau—Sygma



The victims: A Tuareg nomad sits by an empty crock; a starving child in Niger, her belly swollen and limbs wasted, is handed a scrap of food; and Danakil tribesmen in Ethiopia huddle in a refugee camp awaiting Red Cross rations

up a five-man Office of Sahelian Relief Operations (OSRO) in Rome. In the case of Ethiopia, fear of offending Emperor Haile Selassie even led U.N. officials to hush up field reports that drought and hunger were affecting millions.

Not until last autumn did the FAO and experts from major industrial states survey the African drought region to determine the needs of each nation. The experts' figures—showing a need for nearly a million tons of food grain—were accurate enough. But the FAO failed to collate the data and organize a shipping schedule for donor nations until last February. Why the delay? OSRO chief J.V.A. Nehemiah's answer was candid if startling. "It's not such a long delay if you take into account that we had to break for the Christmas holiday," he explained. And U.N. coordinator in Niger Alexander Rotival lays blame at the door of the donor nations themselves. "In December and January we had almost no food coming in," he says. "Was it necessary for the donors to wait for us to finish before they started shipping?"

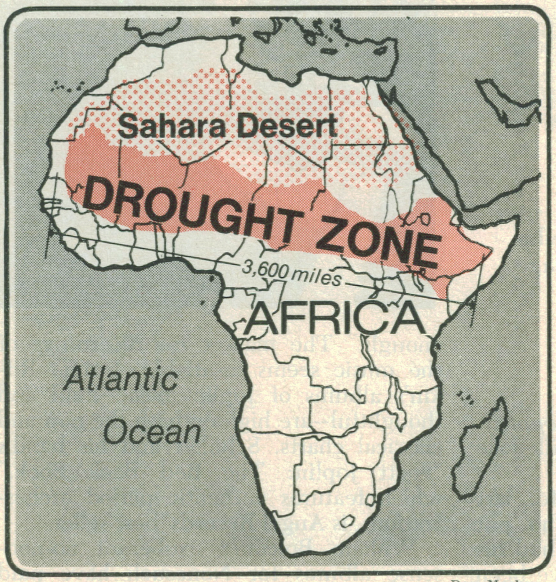
This delay has certainly cost lives. And it has increased the relief bill by millions of dollars. In June, for instance, the U.S. began an airlift of grain from Bamako to the wasted region of Mali around Timbuktu. Early this year, when the Niger River was navigable, supplies could have been moved for about $80 per ton. But now Mali's food needs are so urgent that emergency measures have become a necessity. According to the FAO, the airlift the U.S. has organized may come to $900 a ton. And a truck convoy that European nations have dispatched south across the Sahara from Algeria will cost more than $200 a ton.

Badger: The relief effort that has been mounted is gigantic in scope. More than 120,000 tons of food a month are flowing from the U.S., Europe and Asia to the African interior. A small band of men share credit for finally getting the operation off the ground. One is former U.S. Ambassador to Mali Robert Blake. The State Department has never been overly concerned with the small and nonstrategic nations of north-central Africa, and Blake had to badger Washington for six months to shake loose funds for Malian disaster relief. Stephen Green, an American working for UNICEF, the U.N. children's agency, is the man responsible for first exposing the extent of starvation in northern Ethiopia. (The U.N. has since told Green, in effect, that his career as an international civil servant is probably finished.) And indefatigable Trevor Page, OSRO's 33-year-old British logistics officer, has managed to bully donors into line, break through bottlenecks all over Africa and personally set in motion the trans-Sahara truck convoy across Algeria.

But enormous problems remain. The food en route is grossly inadequate for the Africans' needs. And many drought victims are now so weakened from lack of nourishment that they are dying of simple afflictions like diarrhea. In the meantime, 200,000 tons of grain are stacked at the ports of West Africa waiting to be distributed. When I toured the area, some of the food had already rotted from improper warehousing. Much of the blame for this lies with the Africans themselves. Recently, for example, the FAO discovered that food bound for Chad was stalled at the Nigeria-Chad border. The reason: the wife of Chad's President owns the national truck monopoly and she wanted to ferry the food into Chad on her own trucks—at twice the going freight rate.

Henri Bureau—Sygma

Too little, too late?: A West German helicopter brings food to Ethiopia



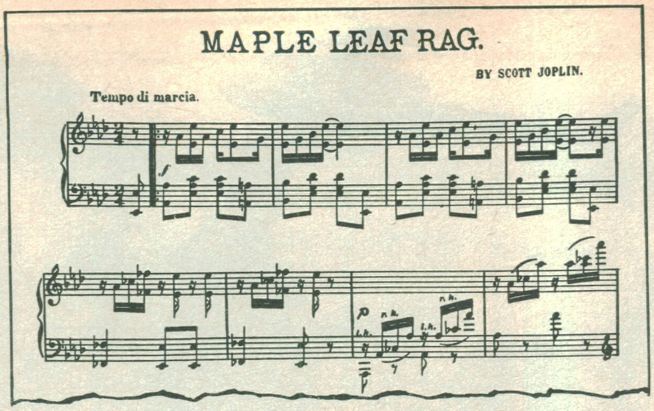
Don Mackay

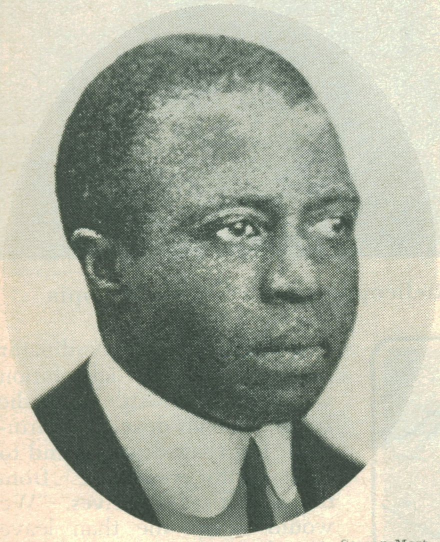
Famine belt: Only the strong will survive

Furthermore, current relief projects deal only with short-term needs. In the view of experts, a coordinated master plan for water conservancy and land use is what north-central Africa really needs. That, of course, would be very costly. "What is required is probably $10 billion over a 25-year period," says Dr. Edward Fei, AID's regional coordinator for Africa. One partial solution would be to resettle nomadic tribes on newly developed farmland. But that idea is bound to meet with resistance from the nomads themselves. "We would rather die than leave the desert," the son of one Tuareg chief in Niger told me.

Reticent: African governments are not enthusiastic about joint, long-range planning either. Each is pursuing its own interest and when a master plan is suggested, officials react much like Senegal's Planning Minister, Ousmane Seck. "What we are afraid of," says Seck, "is that some of the developed countries will impose priorities on us that only benefit their economies."

Within the next few weeks, the need to solve Africa's water crisis will be dramatically highlighted by nature. The scanty rains that annually water the Sahel and neighboring regions will descend in a sudden flood. The torrent will wash out roads—and thus make the delivery of relief even harder. And ironically, if the rainy season amounts to anything this year, it may actually leave the Africans worse off than a continued drought would. For the chances are that a marginal crop will emerge from an extended rainfall. And then the world community, which is already tiring of its $500 million African relief effort, may seize the occasion to ignore the catastrophic drought and its victims. "What worries me," says one British relief worker in Upper Volta, "is that this year's rain may be a bit better. Then interest in the Sahel will dim. And people will forget the African drought before any permanent solution has got started."





Sareen Mort

Jeff Lowenthal

Joplin (left) Bolcom in Sedalia: Reviving the ragtime rage

Glad Rags

He: *Do you like Joplin?*
She: *I don't know. I've never joppled.*
—Old vaudeville joke

Everyone joppled in Sedalia, Mo., last week. Scott Joplin, the man who put ragtime and Sedalia on the map, had his own ragtime festival. It could have been held in Texarkana, Texas, where Joplin was born in 1868. Or the sponsors might have picked New York City, where Joplin lived for a time, and where he died in 1917.

But Sedalia, an old railroad town, was as good a place as any to hold a Joplin festival. Although Joplin lived there for only five years—from 1896 until 1900—they were critical years. Besides being a "tickler" in the "hook shops" of Sedalia's tenderloin—a piano player in the whorehouses of the red-light district—Joplin studied music formally in that bustling settlement. And there, in 1897, he wrote "Maple Leaf Rag," which he predicted would make him "king of ragtime composers." It did—and it sparked the ragtime rage at the turn of the century and its enormous, current renaissance.

Composer Gunther Schuller, who has taken his New England Conservatory Ragtime Ensemble across the country, says: "We've never had less than 6,000 people at our concerts. They can't get enough." The market for recordings of the music seems insatiable. Joshua Rifkin's albums of Joplin music—fluid and thoughtful—are high on both the pop and classical charts. Schuller and his band's "Scott Joplin: The Red Back Book," which features authentic period orchestrations, is Angel Records' best seller.

William Bolcom's exuberant no-nonsense albums for Nonesuch have paid attention to Joplin contemporaries and successors such as Tom Turpin, Artie Matthews, Joseph Lamb and James Scott. And Max Morath, a born entertainer, has smiled brilliantly through his two Vanguard albums of ragtime. There are plenty more, including Biograph's series of original ragtime piano rolls and E. Power Biggs's organ versions on Columbia. Much of this activity undoubtedly owes its success to the ragtime-scored movie "The Sting" and the recording of its sound track, which has reached the top of the charts with sales of more than a million copies.

Immortal: Almost everyone who was anyone in ragtime was in Sedalia last week, led by Rudi Blesh, whose 1950 book "They All Played Ragtime" pioneered the revival, and the immortal 91-year-old Eubie Blake, composer of "Charleston Rag" and one of the few men alive who knew Joplin. Concerts featured Schuller's ensemble, Bill Bolcom, Max Morath, Trebor Tichenor and Dick Zimmerman, head of Los Angeles's Maple Leaf Club.

Flushed with excitement day and night, Sedalia was a ragtime carnival. There were cakewalks, street dancing and a swap show where ragtime buffs could buy, sell or barter sheet music, player-piano rolls and ragtime memorabilia. On the site of the old Maple Leaf Club, where Joplin once played, 37 pianists engaged in a nonstop ragtime competition—called, by Eubie Blake, "a cuttin' contest." Pianist Bolcom surveyed the happy scene and proclaimed: "It's the first American music in the vernacular. Americans are finally beginning to accept American music."

Stew: There can be no gainsaying the native character of ragtime. It came from the plantation—nose-thumbing and earthy. It was a musical stew, cooked in Africa, New Orleans, marching bands and genteel parlors—a hand-me-down music, soft-shoeing on sidewalks and as indestructible as the American Negro who invented it. Its chief inventor, Scott Joplin, played cornet in Sedalia's Queen City Concert Band, organized a vocal group, and was black. All of that is in his music—from the early sunniness of "The Entertainer" and "Elite Syncopations" to the bitterness of "Euphonic Sounds" and "Magnetic Rag."

"I only met him once," says Eubie Blake. "In Washington, in '07 or '08 or '09. It was in Mrs. Brown's place, a café for Negroes on Pennsylvania Avenue just three blocks from the White House. Scott was the biggest of all as a composer. People in the place chanted, 'We want Joplin,' and he said to me, 'Eubie, I can't play any more, I'm sick.' But he played. He had no business anyway playing in a place like that. He was a real musician."

Several years earlier, Scott Joplin had said good-by to Sedalia. He was always saying good-by to places, and that is in his music. But Joplin's good-bys are over. Last week in Sedalia, Mo., he said hello—and that, too, is in his music.

—HUBERT SAAL

Chicano Pop

They glided around the blue-lit dance floor, swaying slowly when the singer sobbed about unrequited *amor* or breaking *corazones*, then swinging into a frantic two-step when the band segued into a brassy Latin polka. Shouts of "*Vaya!*" ("Go!") pierced the air in the Far West nightclub in the hills above Albuquerque and hundreds of slim-hipped men and women complied, keeping happy time to the chicano sound of Al (Hurricane) Sanchez and his brothers Tiny Morrie and Baby Gaby.

Household names they're not, but the Sanchez brothers have hit the Southwest like, well, a hurricane. With their distinctive music and flair for self-promotion,

the Sanchezes have become No. 1 with the region's 5 million Spanish-Americans and instrumental in making Albuquerque the center of the newest sound in pop, *La Onda Chicana* (The Chicano Wave).

The more chauvinistic Albuquerqueans now claim their city is the Nashville of Spanish-American music, and to substantiate it they point to a thriving cottage industry of five recording studios, six nightclubs, 50 record companies, three radio stations, a wholesaling firm and three Spanish record stores. The Sanchez family, headed by the shrewd "Mama" Sanchez, owns a big piece of the action—a record company carrying the Hurricane label, a record-distribution firm and the Far West nightclub. With that sort of clout it's not hard to understand why the biggest Spanish hit around is Tiny Morrie's lachrymose ballad *"No Hay Amor"* ("There Is No Love"), which quickly sold 90,000 singles in the U.S. and became the first chicano song to top the charts in Mexico City.

Ripe: Not that the Sanchezes are the only Big Enchiladas in Albuquerque. Nearly as popular are Roberto Griego, 29, a crooner who sings about poverty (*"Un Pobre No Más"*—"I'm Poor No More") and owns his own record company, and Debbie (La Chicanita) Martinez, a wholesomely sexy 15-year-old with a ripe, mature voice, who writes her own songs and designs her own flamboyant costumes. "They are halfway between Mexican and American," she told NEWSWEEK's Martin Kasindorf, "which is what the chicano is." A high-school junior, Debbie has already had two hit albums, both of which get strong air play on KAMX, an Albuquerque station that devotes 90 per cent of its time to local chicano artists. Even New Mexico's Lt. Gov. Robert Mondragon, a former disk jockey himself, has gotten into the act: the guitar-playing Democrat has cut six singles, and much of his campaign for a seat in Congress is spent crooning and strumming at political rallies.

In fact, the Chicano Wave seems finally to have washed away the prejudice toward Spanish-American artists that caused Al Sanchez to adopt his childhood nickname of Hurricane as a surname on his recordings. Recalls Sanchez: "The record-store owners were usually from Virginia or Louisiana, and if a local artist named Garcia came in with his songs, the owner just thought of him as another Speedy Gonzales."

But times have changed. Chicano music has already exerted influence on such mainstream rock groups as Santana and Malo, and that influence is expected to grow in pop music's search for a new sound. "A lot of musical groups had been banging their heads against the walls in frustration, but now things are breaking out," says Roberto Martinez, who owns the More record company headlined by his daughter Debbie. "Our industry is like a baby that is teething. It's waiting to be groomed. And then—watch out."

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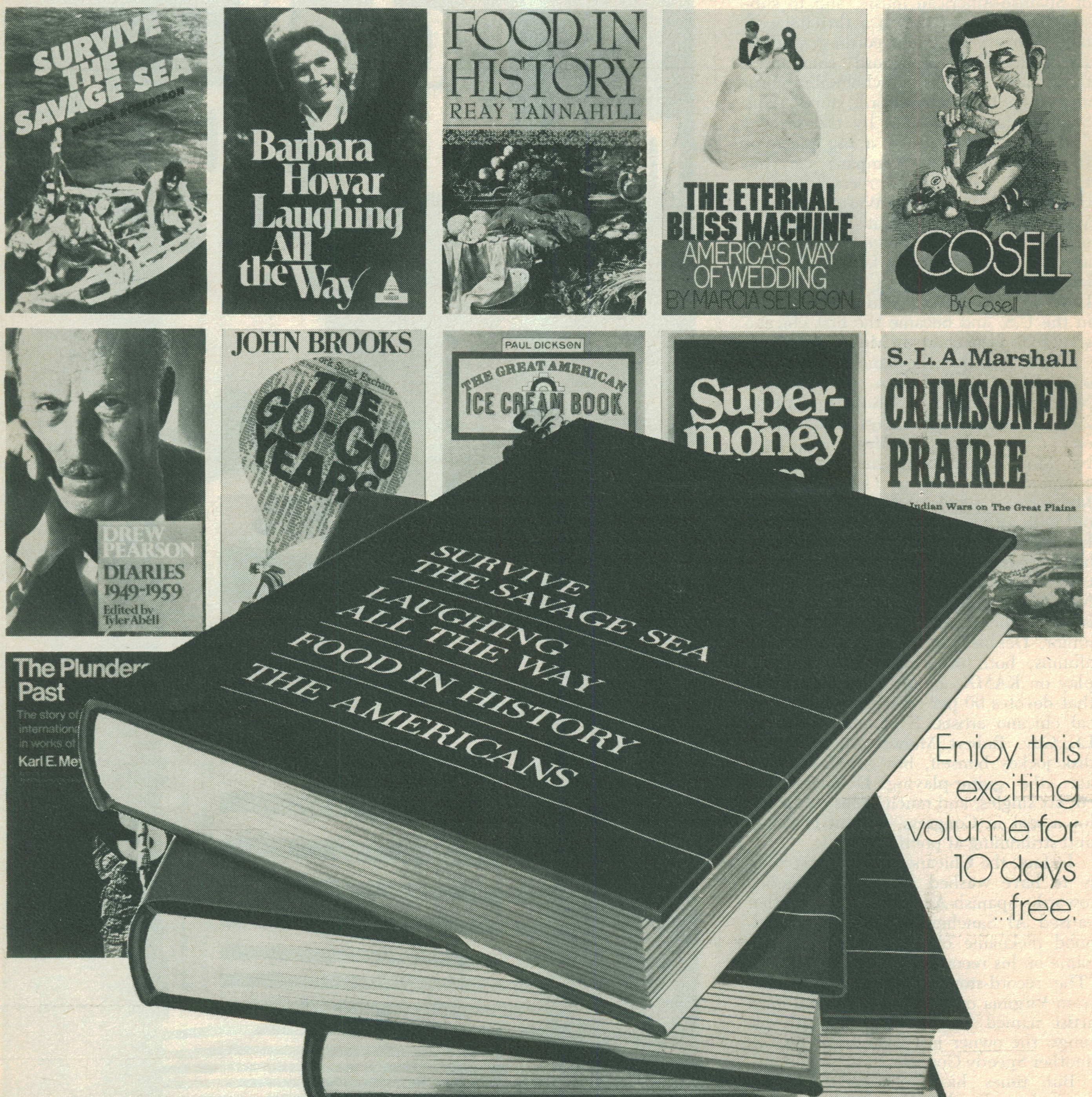

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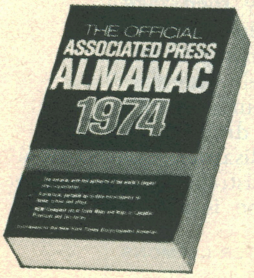

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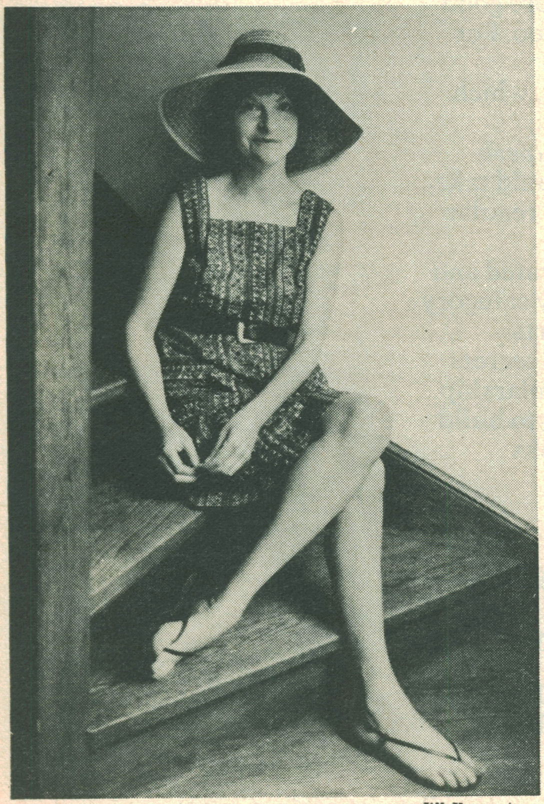
Uncivil War

THE WAR BETWEEN THE TATES. *By Alison Lurie. 372 pages. Random House. $6.95.*

Erica Tate—faculty wife for eighteen years, distracted mother of two nerve-shattering teen-agers—opens an official-looking envelope marked URGENT—PERSONAL and stumbles on a love letter to her husband from Wendy, his grad-student mistress. A peculiar burning odor, like explosives, fills the air: "For a moment Erica thinks she is having a hallucination. Then she opens the oven door: at once the kitchen fills with smoke and the hot, sweet, ashy smell of scorched cookies. The war has begun." The opening chapter of Alison Lurie's fifth novel has the implacable authority of a tough campaigner embarking on her best book to date; and that's what Lurie delivers. "The War Between the Tates" will make her famous. Having read it, latecomers will want to search out her academic comedy "Love and Friendship," her sharp-edged Los Angeles novel, "The Nowhere City," and her send-up of sociologists and spiritualist cranks in "Imaginary Friends."



Jill Krementz

Lurie: A baleful eye, a ferocious gaze

In her new book, Lurie's ferocious gaze is fixed on a precise moment in recent history. The Tates' domestic war breaks out in the spring of 1969 and continues—with truces made and broken, attacks, retreats, defections and battle fatigue—into the summer of 1970. Ninety pages into the book Lurie rolls out a dazzling piece of equipment: a detailed parallel between events in the Tate household and the progress of the war in Vietnam. This metaphor, of Miltonic grandeur and epic absurdity, ascends from the embattled Tate home and floats over the campus of Corinth University like a majestic balloon.

Brian Tate's Wendy makes the exact noises of the inarticulate, late-'60s young. Pregnant by Brian, she decides against abortion for the following reason: "Last night Linda came over," she explains, "and I was rapping to her about it, and she said, why didn't we consult the 'I Ching'? . . . and the first time I threw the coins I got hexagram number forty-two: Increase. I mean, wow." Brian grinds his teeth.

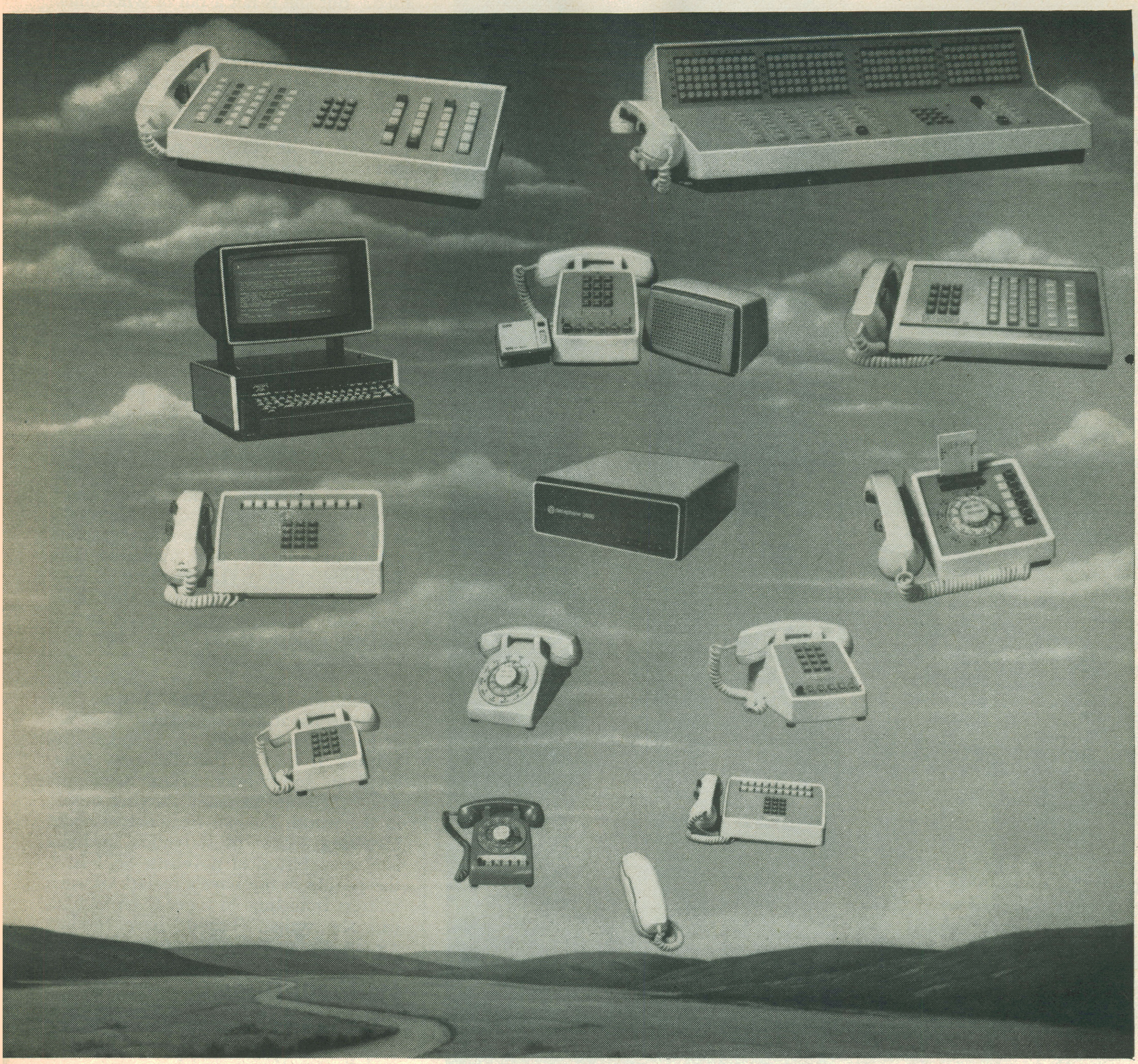
Pretending: The Tates have witnessed the breakups of other couples. When their closest friends were divorced two years earlier, Brian and Erica tried to stay friends with both: "This high-minded and generous impartiality naturally irritated everyone. Each party suspected that the Tates were really on the other side, and were only pretending sympathy for theirs." Erica, now joining the ranks of leftover women in a college town, learns to cleanse "the relevant parts of the house" when expecting a presumptive lover. Brian meanwhile dresses younger and tries to cope with his discovery that the adoring Wendy is "not so much scatter-brained (which suggests a restless movement of ideas) as mentally diffuse . . . Sometimes whole areas of information seemed to drift toward the misty periphery of her consciousness and fall off the edge."

None of Alison Lurie's earlier books was so cunningly plotted. Main events often occur during month-long gaps between chapters; they then take effect with the unnerving click of cushion shots dropping into corner pockets. Toward the end, the novel straggles; there is a kind of survey course in '60s foolishness—a campus riot, a drug trip, a peace march collapsing in disarray. But Lurie is a baleful comic artist; in "The War Between the Tates" she is at her most corrosive.

—WALTER CLEMONS

Alison Lurie likes to read case histories of deviants—"You know, the nuts-and-sluts school that's no longer fashionable. I like to know what makes people act the way they do, exactly how a man feels before and after he's murdered his wife—and when he buries her in the basement what kind of shovel he

In
you more



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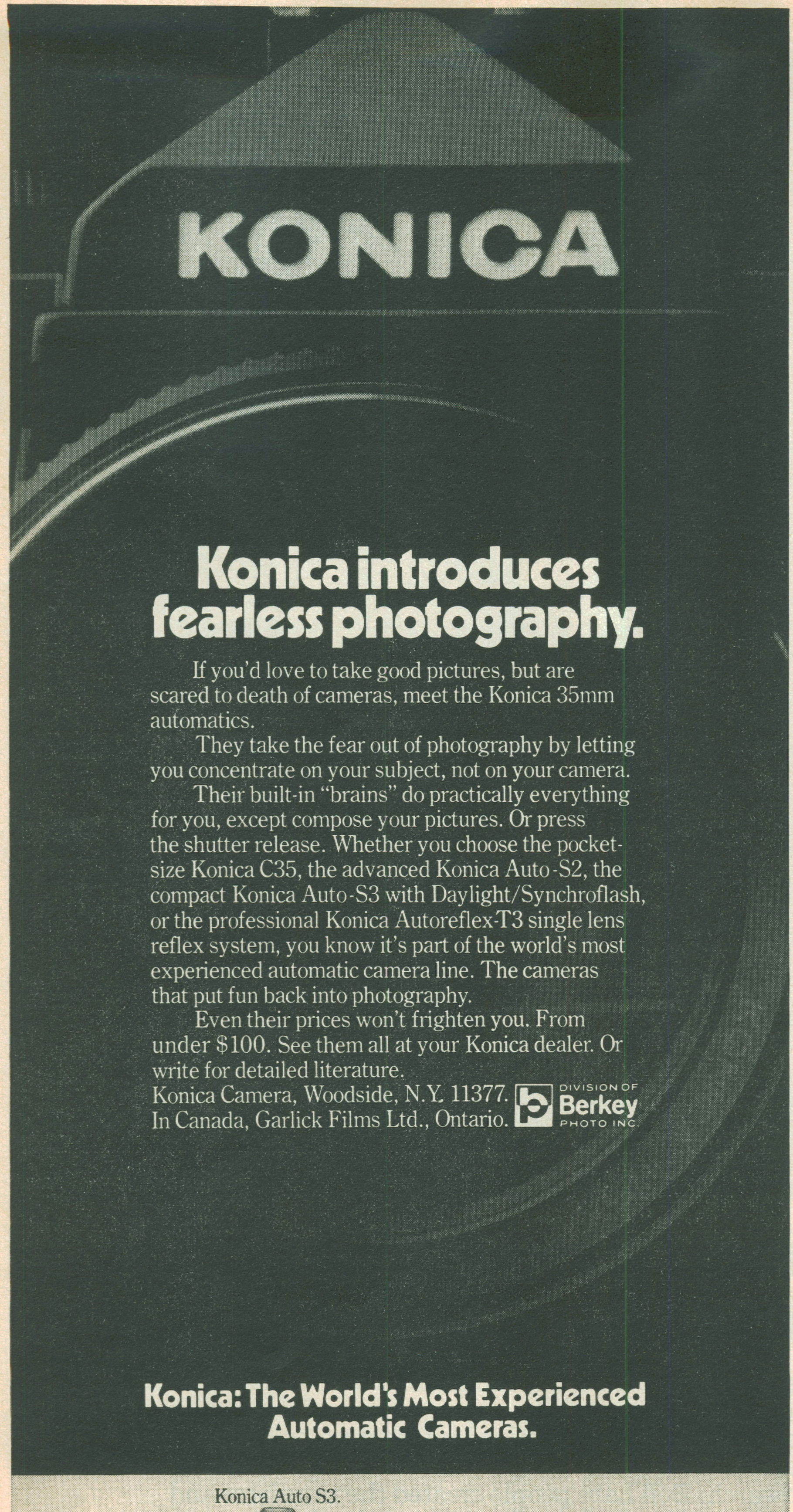

used." But she is not a fan of whodunits. "I don't like the invention," she says. "I want the raw data."

For "The War Between the Tates" Lurie picked up a lot of raw data on the campus of Cornell in Ithaca, N.Y., where she teaches creative writing and her husband is an English professor. The mother of three sons, she insists that her own marriage is not the model for the book: "All my characters come from four or five other people. I began to think of the book when I noticed there were a lot of left-over women around Cornell. Their husbands had left them for younger women, usually students."

Skinny: Lurie grew up in Westchester County, New York, the daughter of a sociology professor who was once a Jewish-welfare administrator. "I get my interest in class and group dynamics from him," she told NEWSWEEK's Maureen Orth. "I've always been writing. I was one of those skinny, plain, clever little girls who were put ahead a grade, and I was no good at hockey so I made up for it by writing poems in the mimeographed school newspaper." She graduated from Radcliffe, spent a year working in New York for a publishing house, then married and began to write novels in the various college towns where her husband studied and taught.

Her fifth novel has prompted critics to compare her to Jane Austen, but Lurie scoffs at the suggestion. "I'm not as good a writer," she says, "and it isn't helpful. It implies that I'm only interested in upper-middle-class academics when there are so many starving people in the world. I'm not imaginative about inventing scenes of starvation in India like some historical novelists. So I have the people in my novels remark on such matters from time to time. Even in Ithaca," she smiles, "reports have reached me that things elsewhere are not well."

Political Dues

THE HUNDRED MILLION DOLLAR PAYOFF. *By Douglas Caddy. 448 pages. Arlington House. $8.95.*

Watergate has alerted the nation to big business's illegal "gifts" to the Nixon campaign. Now comes an extensively documented exposé of big labor's illegal largesse to Mr. Nixon's opponents. The unions, charges Douglas Caddy, spend "tens of millions" of tax-exempt union dues to back their Congressional favorites—almost all of them liberal Democrats. To Caddy, this relatively unchallenged practice makes the "several millions" of corporate-taxed Republican contributions no less reprehensible but paltry by comparison. Moreover, he questions the strong-arm methods by which union leaders raise their political money—which by law must be completely voluntary.

A young conservative Washington lawyer who was briefly the original attorney for the Watergate seven, Caddy applauds the prosecutors of corporate vio-

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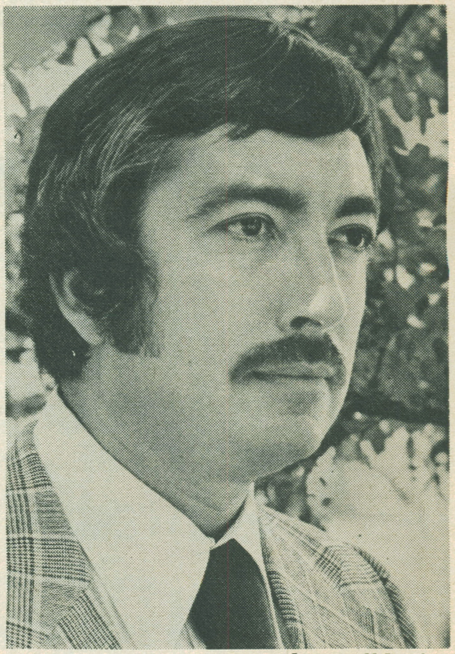
lations of the Federal Corrupt Practices Act, but claims that they have been blind to the even more blatant abuses by the unions. Two of his major targets are the AFL-CIO's Committee on Political Education (COPE) and the International Association of Machinists and Aerospace Workers' Machinists Non-Partisan Political League (MNPL), the strongest arms in labor's array of political-action groups.

Phony: Using public documents filed in a Federal lawsuit in Los Angeles brought by dissident machinists, Caddy demonstrates how union leaders put the muscle on members for big bucks in tough election years, and he cites some of the biggest beneficiaries. Among them: Watergate committeeman Sen. Joseph Montoya of New Mexico, whose 1970 fund raisers reportedly laundered large sums through phony committees to disguise their labor sources; one gubernatorial candidate, State Sen. Henry Howell of Virginia, who wrote a high union official: "Right now I need to raise $150,000 ... If you like my record, write me your check ... P.S. Don't wait! Do it today!" and New Jersey Sen. Harrison A. Williams Jr., who after his 1970 re-election reportedly exulted to union bigwigs: "I owe everything to you ... What you want you've got. I owe that much to you."


Lawrence McIntosh

Caddy: Exposing union abuses

As a conservative, Caddy may appear a special pleader, but his aims transcend mere partisan interest. Plowing through his highly instructive mass of documents and data requires but rewards patience. His indictment should be carefully examined—not only by Republicans seeking a handy weapon of counterattack but by readers who are concerned that the bloodletting over Watergate may be entirely too one-sided.

—S. K. OBERBECK

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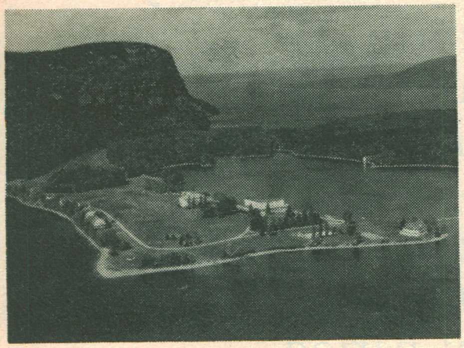

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Pasta on the Range

"You're trying to make a hero out of me," complains an unhappy Henry Fonda to blank-eyed Terence Hill. "You're that already," replies the adoring Hill. "All you need is an act—something to make you a legend." MY NAME IS NOBODY, a lumpy descendant of the spaghetti Western, tries desperately to give Fonda such an act, and winds up embarrassing him.

Hill, looking as if he had run through a thunderstorm of bleach, plays an aspiring gunslinger who can reel off Fonda's accomplishments with a pistol like some kid citing Ted Williams his own batting records. As the title character—and if ever a role was well-named this is it—he urges Fonda to square off against 150 armed men whose only purpose, it seems, is to follow Fonda. When Hill isn't exhorting his hero to go out in a blaze of smoke, he's talking like a fortune cookie: "Big risks bring big rewards."

"My Name Is Nobody" was suggested by the spaghetti master Sergio Leone, but shakily directed by his protégé, Tonino Valerii. Valerii can't decide whether to make a mean movie or a funny one, but in either case he is dependent upon the credibility of Fonda, whose professionalism can't hide his distress, and upon Hill, whose campy mannerisms and crude clowning make him perhaps the most unpleasant male presence on the screen today. A parody of the Tom Jones eating scene in which the two men make eyes at each other over a plate of beans must be seen to be believed.

—PAUL D. ZIMMERMAN

Rabbi on the Run

THE MAD ADVENTURES OF 'RABBI' JACOB has the same kind of innocent, infectious good humor that makes those jokes about the Catholic, the Protestant and the Jew funny even as we realize they are essentially untrue. In this French import, a thoroughly farcical, mostly incomprehensible set of circumstances forces a rich, narrow-minded businessman (played by Louis de Funes) to seek refuge from a bunch of Arab nationalists by impersonating one Rabbi Jacob who is flying from America to Paris to be reunited at a bar mitzvah with relatives who don't know what he looks like. To further complicate matters, he is a devout coward and a confirmed anti-Semite in the endearing tradition of Archie Bunker—mean-minded but not mean-spirited.

De Funes is marvelously apoplectic, boorish and scared as the fleeing industrialist who wanders into at least two peerless comic situations. In the first sequence, the Arabs, interrupted in the middle of a secret conference, chase de Funes through an empty bubble-gum factory whose vats are full, transforming him into a green, human-shaped stick of gum, capable of blowing bubbles out of every orifice, including the holes in his shoes. Like a magnet in a field of iron filings, he becomes absolutely adhesive, picking up everything he rubs against.

Later on, he is treated to a homecoming parade through a Jewish ghetto, where he very nearly blows his cover by blessing the crowds with the sign of the cross. He recovers quickly enough by borrowing the time-honored rabbinical tradition of answering every question asked him with another question, and finally wins the crowd by improvising a hora that looks half Mexican hat dance, half Highland fling. But he runs out of solutions when he is ushered into a packed temple and asked to read the Talmud aloud before the entire congregation. How "Rabbi" Jacob works his way out of this predicament—with the help of a rabid Arab nationalist—is one

De Funes: A human stick of gum

of the many innocent pleasures of a movie whose charm lies in the ingenuous way it deals with its implicitly explosive subject.

Both de Funes and his director, Gerard Oury, are vintage figures in French comedy, but they have traveled badly up to now because of their penchant for heavy Gallic farce. Though hardly subtle, this film is a fine and funny way to get to know two mad adventurers whom the French have long regarded as national treasures.

—P. D. Z.

Arctic Morality

THE WHITE DAWN is taken from Canadian James Houston's historical novel about three whalers, shipwrecked at the end of the last century, who lived for a year with a tribe of Eskimos. At what must have been considerable expense

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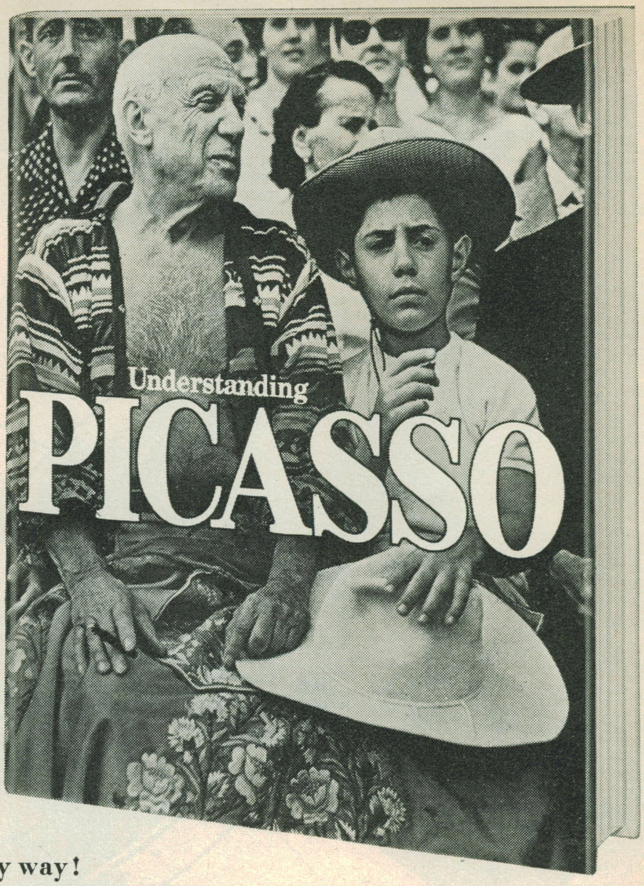

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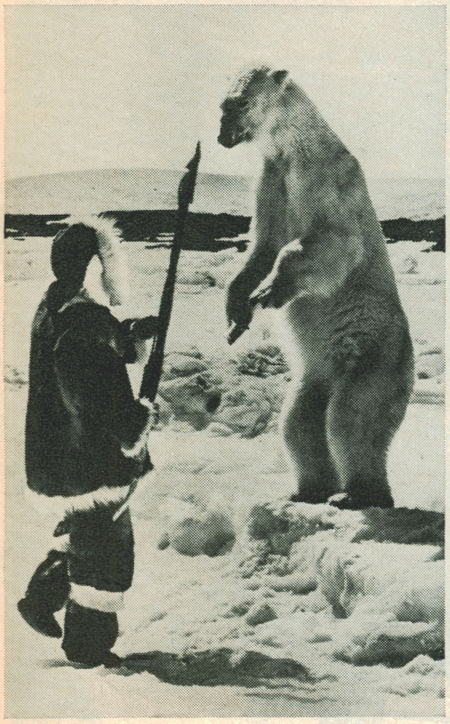
and with some fortitude, the film was shot on location in the Canadian Arctic in order to document with authenticity the Eskimos' nomadic way of life. The investment was worth it, for the film's limited fascination lies in its survey of vanishing Eskimo folkways: the catching of seals through the ice, the construction of igloos, the tribal games and dances that are a prelude to the sexual rites of long summer nights.

Struggle: Director Philip Kaufman and his cinematographer, Michael Chapman, shoot almost everything from snow level to anchor us as participants in the struggle for survival on the bald white-and-gray tundra. But "White Dawn" tries to be more than a documentary, and in doing so falls prey to the trap endemic



Kopapik: Survival course

in earnest stories about the corruption of innocents by "civilized" men.

Kaufman, a director of proven intelligence and artistry ("The Great Northfield, Minnesota Raid"), has little to say in favor of the civilization embodied by Warren Oates, Lou Gossett and Timothy Bottoms as the three whalers. Once rescued by the Eskimos, they repay them with introductions to theft, gambling, drunkenness, jealousy and violent death. The chief of the tribe, played by Simonie Kopapik—who gives one of the many beautifully responsive performances by Eskimo non-actors—embodies wisdom, fairness and goodness, with no hint of the fears and vulnerabilities that afflict a primitive culture. Jaded by the corruptions of modern life and entranced by the simplicity of the Eskimos, Kaufman has undermined his concern for authenticity by producing an unconvincing morality play.

—P. D. Z.

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R_x for Travelers

When Dr. Vincenzo Marcolongo was practicing in Rome, a 24-year-old American woman was referred to him for a lingering illness that a local physician had diagnosed as flu. Through blood tests, Marcolongo discovered that the woman's fever and weakness were actually symptoms of a much more serious illness called agranulocytosis. The disease, characterized by destruction of white blood cells, was her body's response to a dose of the painkiller aminopyrine that a local dentist had given her a few weeks earlier. The Italian dentist did not know that aminopyrine, which is used widely in Europe, can sometimes cause agranulocytosis in persons of Anglo-Saxon and Scandinavian descent. Thanks to Marcolongo's diagnosis and a six-week regimen of blood transfusions and cortisone injections, the young woman recovered.

This and similar experiences led Marcolongo (who now lives in Toronto) to form the International Association for Medical Assistance to Travelers, an organization that helps English-speaking travelers find competent medical help abroad without running the risks posed by language barriers and differences in diagnosis and treatment. For example, Marcolongo explains, cases of serious diabetes are so rare in Mediterranean countries that local doctors may have had little experience in treating a patient in a diabetic coma. And in Central and Southern European countries, where appendicitis is much more common than in North America, a visitor suffering from a severe attack of gas may end up with an appendectomy.

IAMAT, whose headquarters is in New York, offers travelers a list of English-speaking doctors in 150 countries from Afghanistan to Zaïre. All IAMAT physicians are specialists, and 90 per cent of them have had postgraduate training in the U.S., Canada or Great Britain. To many Americans, their standardized fees will come as a pleasant surprise: $8 for an office visit and $20 for a house call before 10 p.m. (hospital costs and lab-test fees are not controlled). IAMAT's own services are free: the organization is supported by public contributions and grants from corporations, foundations and the Federal government.

The Plague Fighters

Bubonic plague is a disease that most Americans think of as a horror from the remote past—the dreadful scourge known as the Black Death that took millions of lives as it swept through medieval Europe and seventeenth-century England. But in fact, plague is endemic among animals in many parts of the U.S., and last week, U.S. Public Health Service officials announced preventive measures against the disease in parts of the western U.S. because of an increase in plague among wild rodents—and the first human plague death in five years.

In June when Louise Williams, a 13-year-old Navajo Indian, reported to a Gallup, N.M., hospital with a headache, dizziness and a sore throat, doctors prescribed penicillin for her throat and sent her home. The next morning the girl's symptoms had grown considerably worse, and she was admitted to the hospital. She died a few hours later, and it was not until her autopsy that doctors discovered her fatal illness had been plague.

Pasteurella pestis, the bacillus that causes plague, thrives in the arid west of the United States, where it is transmitted by fleas to prairie dogs, rabbits, deer mice, ground squirrels and rats. Every summer, according to the U.S. Center for Disease Control in Atlanta, several human beings also contract the disease, either from a flea bite or from contact with an infected animal. The first symptoms of human plague are usually painfully swollen lymph glands, fever and general malaise. If untreated, the plague bacteria spread throughout the body, causing a drop in blood pressure, irregular pulse rate, mental confusion, pneumonia, coma and even death.

Kill: Although penicillin is ineffective against plague, says CDC epidemiologist Dr. Jack Poland, the disease usually responds well to streptomycin or tetracycline—provided the drug is given within two and a half days after symptoms appear. But in some cases, like Louise Williams's, the plague can kill with devastating swiftness; in other instances, a patient may recover even without receiving medication.

While CDC officials assert there is scant likelihood of a human plague epidemic in the U.S. this summer,* Poland acknowledges that he would not be at all surprised by a few more cases. The disease is on the upsurge among animals, and as a result, the risk of human infection is increased. One of the reasons for this is that if a large number of wild animals die of plague, the fleas that had infected them look around for new lodgings. Many of them may wind up on domestic animals such as dogs and cats that are in close contact with humans.

Federal and state health officials are trying to cut down the rate of animal infection this summer by pouring insecticide in the burrows of the prairie dogs native to the vast 14-million-acre Navajo Indian Reservation. The poison does not harm the rodents but does kill their fleas. For smaller rodents, thousands of "bait traps" have been set up, each consisting of a metal pipe with food in the center and insecticide powder at both ends which brushes the animal's fur as it enters and leaves the trap.

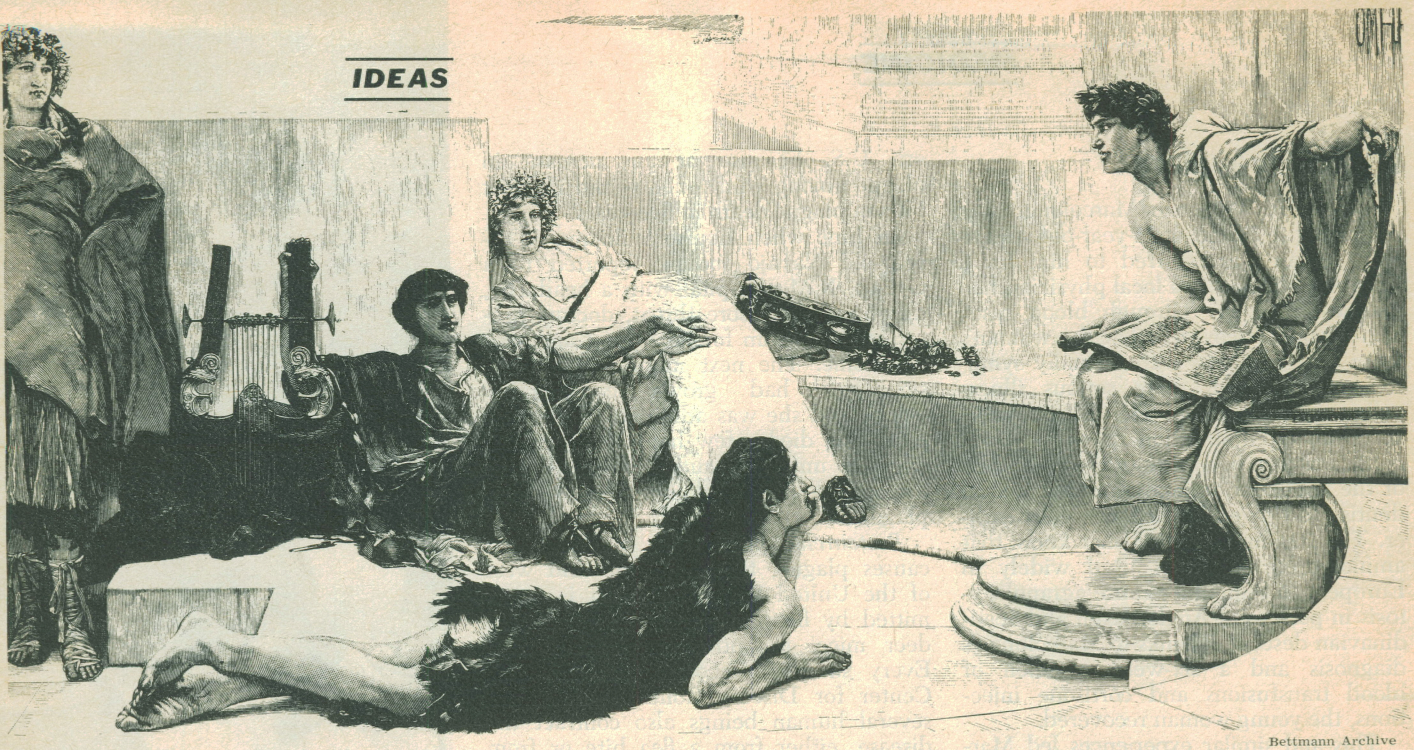
*The last world epidemic of human plague killed 10 million persons between 1894 and 1914.

Disinfecting a carrier: Flea powder

To prevent additional cases of human plague, health officials in New Mexico have posted and broadcast warnings for tourists and campers, urging them to use insect repellent outdoors and not to touch sick or dead animals. Any wild animal that appears tame and friendly, Poland cautions, is likely to be sick. The Center for Disease Control has also alerted U.S. physicians to be on the lookout for new cases of plague in their patients. "Positive identification can be made only from samples of lymph or blood," Poland notes, "but if any doctor has a case he suspects is plague, he should go ahead and treat it as plague, without waiting for confirmation."

How Sweet It Is

Since cyclamates were banned nearly five years ago, researchers have worked diligently to find an artificial sweetener that is both safe and free of saccharin's bitter aftertaste. And last week, the U.S. Food and Drug Administration announced approval of such a substance: a synthetic product known chemically as aspartame. The new sweetener, which G.D. Searle and Co. will market in granule and tablet form under the name Equa, is composed of two amino acids that occur naturally in the body. Unlike saccharin and cyclamates, aspartame is metabolized as a protein and even has a minuscule nutritional value. But dieters need not fret, for aspartame is 180 times sweeter than sugar, and the FDA says that even the most ardent sweet craver would be hard put to consume enough of the substance to add up to eight calories a day.


Bettmann Archive

A recitation from Homer: History turns oral again—with some help from cassettes

The Pen vs. the Tape Recorder

When the news broke last year that President Nixon had made secret tape recordings of his conversations in the Oval Office, critics called it bugging. A kindlier interpretation is that the President merely intended to make history—an oral record that Mr. Nixon could consult some leisurely day while writing his Presidential memoirs. Whatever the President's intentions, the Watergate tapes—and especially their various transcriptions—vividly illustrate the risks involved in that peculiarly contemporary homage to Clio called "oral history."

As a scholarly technique, oral history is only a quarter century old. Its birth coincides with the development of the tape recorder and the consequent mating of journalism and historiography. Since 1970, however, oral history has evolved into a full-blown movement, feeding the mills of scholarship and gossip alike with thousands of miles of taped reminiscences, justifications (both candid and self-serving), secrets and trivia. Every Presidential library from Harry Truman's to Lyndon Johnson's has amassed its treasure trove of tapes and transcriptions, and there is hardly a community college or major university in the U.S. that does not list at least one oral-history project in its catalog. At Tulane it's a history of jazz, at Texas it's the history of—what else?—the oil industry. Overshadowing them all is Columbia University's titanic 375,000 pages of transcriptions, which date back to 1948 and comprise, as one archivist notes proudly, "the largest hoard of unpublished reminiscence in the world."

"Everyone is gung-ho on oral history," observes Dr. Arthur Mann, professor of history at the University of Chicago, and many of its most enthusiastic supporters are outside academia. Industrial firms such as Ford find oral history a convenient tool for bolstering corporate pride and boosting public relations. Roman Catholic nuns are recording the vigorous early history of their religious orders for the edification of their dwindling classes of novices. Among the most successful oral historians is high-school teacher Eliot Wigginton, who edits a fat volume of oral histories, "The Foxfire Book," produced periodically by his students at the Rabun Gap-Nacoochee School in rural Georgia. And there are two oral-history books on the current best-seller list: "Working," a series of interviews with ordinary working folk by gadfly radio journalist Studs Terkel, and "Plain Speaking," an "oral memoir" by the late President Truman recorded by journalist Merle Miller.

Words: The oral historians are, in a sense, going back to the old way of doing history. In ancient times, before Herodotus and others began putting things down on paper, knowledge of ancestral wars, catastrophes and triumphs passed from one generation to another by word of mouth, through storytellers and epic poets like Homer. Today, however ironically, the same revolution in communications that produced the telegraph, the telephone and the tape recorder is forcing serious historians to forage beyond written records for their material. Statesmen and other shapers of history who used to write and replicate long letters and keep intimately detailed diaries now make phone calls and sign terse memos. As a result, they leave little behind for historians to parse. "I know of three scholars who have tried to write biographies of labor leader Philip Murray," reports Penn State University historian Alice Hoffman, who is producing an oral history of the labor movement. "But they haven't been able to because Murray's papers are filled with letters which merely say, 'Proceed as we said on the phone'."

Oral historians also view their work as a corrective to an elitist bias only recently perceived in conventional historical scholarship. "American history has been very narrowly political," argues Dr. Jacquelyn Dowd Hall, an oral historian at the University of North Carolina. "It's been a history of people whose lives can be traced in a manuscript collection, and that means white males." Hall's personal interest is in the history of those women who started the antilynching and suffragette movements in the South. "Women are virtually invisible to historians," she complains. "No one bothered to keep records of women's activities, so we have to go out and talk to people who remember what happened."

Black Americans have also been excluded. Yet even as conventional historians ignored them, blacks have continued practicing a rich oral-history tradition of their own. Tape-toting historians are just beginning to mine it, and frequently with spellbinding results. Alex Haley, who collaborated on "The Autobiography of Malcolm X," explores one vein of black genealogy in a forthcoming book entitled "Roots." He spent eight years tracing the origins of stories and peculiarly African words he had heard at his grandmother's knee. By working backward through slave records, talking to linguists and finally interviewing African *griots*, native oral historians, he succeeded in tracing his slave ancestor, Kunta Kinte, back to a particular village, Juf-

ture, in an interior section of Gambia.

Haley's research strongly suggests that stories passed down through many generations can be historically accurate, and that ancestry is a stronger bond among blacks than white scholars had previously imagined. It has also inspired the Kinte Project, in which oral historians are tracing the genealogies of thousands of black American families, including members who have "passed" as whites. "We've stumbled on a gold mine," rejoices project director Courtney Brown of Hunter College, but his oral historians are racing against time. In West Africa, the griots have discovered transistor radios, which are garbling their memories of the past.

Partisans: Inevitably, the oral-history movement has produced a certain amount of bitter academic dispute. Some of its partisans argue that recordings are more "real" than written accounts; they mistrust libraries as citadels of elitist scholarship. "To get out and talk to people is very threatening to historians," charges Hall. "All of a sudden they have to clash with reality instead of making up their own unchallenged interpretation in the library." On the other hand, there are historians who suggest that tape collections may confuse volume with value. Author Barbara Tuchman, for example, brands the tape recorder "a monster with the appetite of a tapeworm" which engenders, "through its creature oral history, an artificial survival of trivia of appalling proportions."

However reluctantly, many traditional historians are beginning to accept oral history as additional grist for the scholarly mill. The ultimate testing ground, for academic skeptics, is Columbia University, where the recorded memoirs of some 2,700 leaders in politics, the arts, medicine, education and law form oral history's Fort Knox. University of Chicago historian Arthur Mann was an early convert. For his 1965 biography of former New York Mayor Fiorello La Guardia, Mann found that the "lively anecdotes" recorded at Columbia by former friends of the mayor "gave me a sense of contemporaneity with the past that I might not otherwise have." Similarly, political scientist James MacGregor Burns, author of a 1970 volume on FDR, believes that oral memoirs of brain-trusters and bureaucrats provide "very important authentic material" on the "invisible leadership" that operates just below the top levels of authority. It was a prudish anecdote, recalled for a Columbia memoir by a student of Robert Frost, which led Lawrance Thompson to portray Frost as a puritan in his controversial biography of the late poet.

'God-Awful': The value of oral memories varies, of course, according to the talent of the interviewer and the candor of the interviewee. Some oral-history projects use journalists or graduate students to conduct interviews, others rely on interested cronies. When Arthur Goldberg and George Meany interviewed each other on their recollections of John F. Kennedy, "it turned out to be the most God-awful hour of trite nonsense," admits William W. Moss, senior archivist at the JFK Presidential Library.

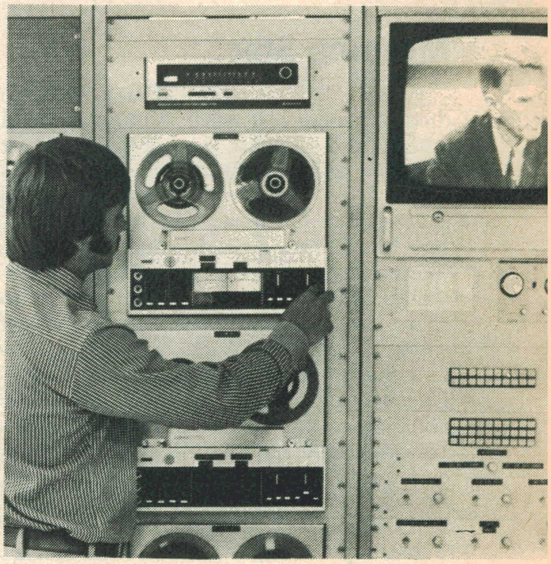
Another limiting factor is the broad control interviewees can exercise over their oral reports. Social philosopher Lewis Mumford, a penetrating critic of modern technology, flatly refused to speak to a tape recorder; instead he submitted to his Columbia interrogators eighteen pages of beautifully honed prose. Nelson Rockefeller, on the other hand, talked freely on the record to Columbia's oral historians—and then promptly ordered his memories locked and sealed from public view until the year 1997.

On balance, there is probably more trivia in the guarded oral memoirs of the nation's elite than in the unpolished life stories of its common folk. As a tool, however, the tape recorder's greatest contribution to history may be purely pedagogic. High-school teachers have found that oral-history projects such as "The Foxfire Book" have a way of exciting students who find conventional history a bore. By moving out of the classroom to record the reminiscences of older members of their own communities, students are discovering what life was like before machines invaded modern society. In the end, the tape recorder may turn out to be just another gimmick to get one generation to talk to another—which is what history is really all about.

—KENNETH L. WOODWARD

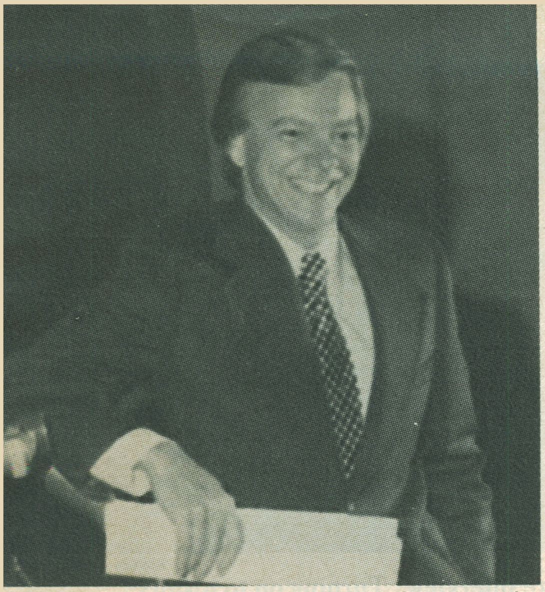
Foxfire

A Foxfire interview: Turning on to history


Stuart Long

LBJ Library tapes: Secrets and trivia

Haley with bearded *griot* and distant cousins in Africa: A search for roots



Robert R. McElroy—Newsweek

Hartz: A soothing eye-opener

Morning Star

When "Today" host Frank McGee died of cancer last April, NBC was faced with filling the No. 1 spot on its most popular—and profitable—daytime program. First, the network promoted the show's veteran interviewer Barbara Walters to co-host; next, it tried out a succession of newsmen in an intensive three-month search for a congenial partner to share her spotlight. NBC announced last week it had found him in Jim Hartz—and the choice of Hartz to succeed McGee was particularly fitting. As a fellow Oklahoman and close friend, McGee was Hartz's unofficial mentor at NBC News and the godfather of one of his children. At McGee's funeral last spring, Hartz had delivered the eulogy.

More pertinent, however, was Hartz's solid news orientation. As top-ranking anchor man of NBC's local newscasts in New York for the past ten years, the 34-year-old Hartz has covered elections, race riots, antiwar demonstrations and a succession of Apollo space shots. During last year's Arab-Israeli war, he filed round-the-clock reports from the shell-pocked Golan Heights. "Like Frank, Jim has a low-key delivery which can turn chaos into order and calamity into calm," says Richard Wald, president of NBC News. "He also has the gift of being able to deal with complicated, often highly technical issues in a simple and clear way." Other major assets are Hartz's boyish smile and soothing friendliness, which nicely complement Walters's occasional tartness of tongue. "He has intelligence, humor, charm and sex appeal," she says. "Jim is very easy to take in the morning."

Although the search for "Today's" new co-host was ballyhooed in the media as "the biggest talent hunt since Scarlett O'Hara," Wald defines the on-the-air tryout system more as an opportunity to burnish the hidden skills of correspondents. Among those who faced "Today's" 10 million viewers were Edwin Newman, 55, the laconic and intelligent pilot of many NBC specials; tough Washington correspondent Douglas Kiker, 44, who pleasantly surprised NBC management with his amiable handling of the show's freewheeling format, and Garrick Utley, 34, NBC's urbane London reporter. "They all had real strengths," said Wald of the nine NBC newsmen who co-hosted "Today" for one week each. "Some were cozy, some incisive interviewers."

Contenders: And some were better than others. In viewer polls, mail and telephone calls, NBC News White House correspondent Tom Brokaw, 34, and Tom Snyder, 38, host of the network's "Tomorrow" show, tied Hartz for top ratings. Both Brokaw and Snyder, however, voiced reservations. Snyder says he prefers to host his own late-night show and Brokaw wants to stay on the critical White House beat. As for the highly opinionated Snyder, one staffer noted that "he was the only one that Walters didn't seem to like." But Walters, who provided incisive critiques on each candidate, says, "We're both strong personalities and we have similar styles—but we had a lot of fun together."

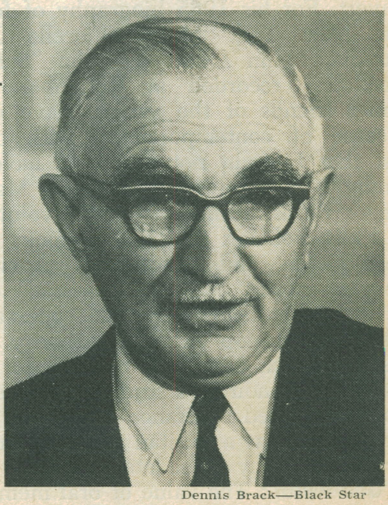
Whatever the deciding factor, NBC approached Hartz first with the offer. It carries a salary reportedly topping $250,000 and requires him, like the others, to shoulder some of the show's commercials—a holdover from "Today's" early tribulations in enticing sponsors to its pre-dawn slot. Some newsmen like Brokaw argue that the practice compromises their credibility as journalists. But Hartz, who like Walters will earn no extra fees for the duty, doesn't mind. "Doing commercials has not affected Barbara's reputation," he told NEWSWEEK's Ann Ray Martin. "If 'Today' can make extra money by having us do them, then that's going to help other news shows that don't make money, like space and election coverage. The only thing is—I don't know if I'll be any good doing commercials."

For the first few months, at least, Hartz will continue to co-anchor "Newscenter 4," the acclaimed 5-to-7 p.m. New York news show. But he will drop his job as host of the late-evening news. "Now I can spend the day home with my family," says Hartz, who has a wife and three children he rarely sees. "The new schedule is much better. Having dinner at home is really something." Every member of the Hartz household, in fact, seems excited about their early-morning superstar. When Hartz first appeared on "Today" as a tryout, his wife rushed to the television set in such a frenzy she broke her foot—by tripping over the equally agitated family cat.

TRANSITION

DIED: Sir **James Chadwick**, 82, British physicist who discovered the neutron and won a 1935 Nobel Prize; in Cambridge, England, July 24. Atoms were thought to be composed only of electrically charged particles until Chadwick isolated the uncharged neutron in 1932, providing a key that helped unlock nuclear energy. Chadwick spent part of World War II in the U.S. working on the atom bomb.

■ **Wayne Morse**, 73, once and would-be U.S. senator from Oregon, the crusty liberal who gravitated from Republican to independent to Democrat during 24 years as "The Tiger of the Senate"; of blood poisoning brought on by kidney and urinary ailments, in Portland, Ore., July 22. Born and raised in Wisconsin, Morse moved to his adopted state as a University of Oregon law professor, became dean of the law school at 30 and was elected to the Senate in 1944. Eisenhower & Co. seemed too hidebound, so Morse bolted the GOP in 1953, settled across the aisle in 1956 but stuck to his maverick role; in 1964, he and Alaska's late Sen. Ernest Gruening cast the Senate's only votes against the Gulf of Tonkin resolution. Unseated in 1968, Morse lost a comeback try in 1972, won the Democratic nomination again this year and died campaigning full tilt against Republican incumbent Bob Packwood.



Dennis Brack—Black Star

Wayne Morse: Untamed tiger

■ **Arthur K. Watson**, 55, International Business Machines executive and former U.S. ambassador to Paris; in Norwalk, Conn., July 26, after injuring his head in a fall at home. Younger of the two sons of IBM founder Thomas Watson Sr., "Dick" Watson ran the IBM World Trade overseas subsidiary while Thomas J. inherited the top job at the parent company. A Nixon supporter who contributed $45,500 to his 1968 campaign, Watson was named to the Paris diplomatic post in 1970 and served until 1972.

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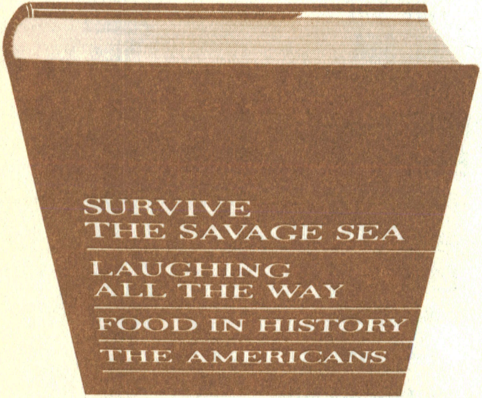

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